88R9807 MCK-F

By:  Johnson of Dallas H.B. No. 3392

A BILL TO BE ENTITLED

AN ACT

relating to access to certain litigation, law enforcement, corrections, and prosecutorial records under the public information law.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 552.103(c), Government Code, is amended to read as follows:

(c)  Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information. For purposes of this section, litigation is considered reasonably anticipated only if a person with an alleged claim, or that person's attorney, has:

(1)  threatened in writing to take legal action against the governmental body; or

(2)  made a written demand for compensation as a result of an alleged claim against the governmental body.

SECTION 2.  Section 552.108, Government Code, is amended by adding Subsection (d) to read as follows:

(d)  Information described by Subsection (a)(2) or an internal record or notation described by Subsection (b)(2) is not excepted from the requirements of Section 552.021 in response to a written request for the information made by:

(1)  a person who is the subject of the information, record, or notation, or the person's attorney; or

(2)  if the person described by Subdivision (1) is deceased, the person's spouse, child, or parent, an administrator of the person's estate, or any of their attorneys.

SECTION 3.  The changes in law made by this Act to Sections 552.103 and 552.108, Government Code, apply only to a request for information that is received by a governmental body or an officer or employee of a governmental body on or after the effective date of this Act. A request for information that was received before the effective date of this Act is governed by the law in effect on the date the request was received, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2023.