By:  Johnson S.B. No. 1617

(In the Senate - Filed March 6, 2023; March 16, 2023, read first time and referred to Committee on State Affairs; April 17, 2023, reported favorably by the following vote: Yeas 10, Nays 0; April 17, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Hughes          X

Paxton          X

Bettencourt     X

Birdwell        X

LaMantia        X

Menéndez        X

Middleton       X

Parker          X

Perry                     X

Schwertner      X

Zaffirini       X

A BILL TO BE ENTITLED

AN ACT

relating to disclosure under the public information law of settlement communications maintained by or on behalf of the attorney general as part of a deceptive trade practices investigation or action.

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

SECTION 1.  Section 17.45, Business & Commerce Code, is amended by adding Subdivision (18) to read as follows:

(18)  "Settlement communications" means documentary materials or information collected, assembled, drafted, developed, used, received, or maintained by or on behalf of the attorney general with respect to an investigation or litigation conducted under this subchapter and that reflects or is regarding negotiations made for the purpose of achieving a resolution of a matter without the need for continuing with litigation or trial.

SECTION 2.  Subchapter E, Chapter 17, Business & Commerce Code, is amended by adding Section 17.475 to read as follows:

Sec. 17.475.  CONFIDENTIALITY OF SETTLEMENT COMMUNICATIONS. An attorney general settlement communication is privileged and not subject to disclosure under Chapter 552, Government Code, from the date the attorney general's investigation begins, as indicated in the attorney general's case management records, until the earlier of the date:

(1)  the case is reported closed in the attorney general's case management records;

(2)  the final judgment, assurance of voluntary compliance, or other settlement agreement is entered by the court, and the period for filing a notice of appeal has passed;

(3)  the settlement documents are executed by all parties, if the documents are not filed in court;

(4)  the order of dismissal or nonsuit disposing of all parties is entered by the court; or

(5)  all appeals are finalized.

SECTION 3.  The change in law made by this Act applies only to a request for public information received by the attorney general under Chapter 552, Government Code, on or after the effective date of this Act.

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

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