88R8702 BEF-F

By:  Hinojosa S.B. No. 1658

A BILL TO BE ENTITLED

AN ACT

relating to the collection and disclosure of certain public information.

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

SECTION 1.  Section 552.101, Government Code, is amended to read as follows:

Sec. 552.101.  EXCEPTION: CONFIDENTIAL INFORMATION. (a) Subject to Subsection (b), information [~~Information~~] is excepted from the requirements of Section 552.021 if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision.

(b)  This section does not encompass:

(1)  the attorney-client privilege;

(2)  the work product privilege;

(3)  another exception to disclosure provided by this chapter; or

(4)  a state or federal discovery privilege, including a discovery privilege provided by the:

(A)  Texas Rules of Civil Procedure;

(B)  Texas Rules of Evidence;

(C)  Texas Disciplinary Rules of Professional Conduct;

(D)  Federal Rules of Evidence; or

(E)  Federal Rules of Civil Procedure.

SECTION 2.  Section 552.108(c), Government Code, is amended to read as follows:

(c)  This section does not except basic information from the requirements of Section 552.021 [~~information that is basic information about an arrested person, an arrest, or a crime~~].

SECTION 3.  Section 552.302, Government Code, is amended to read as follows:

Sec. 552.302.  FAILURE TO MAKE TIMELY REQUEST FOR ATTORNEY GENERAL DECISION; PRESUMPTION THAT INFORMATION IS PUBLIC. (a) Subject to Subsection (b), if [~~If~~] a governmental body does not request an attorney general decision as provided by Section 552.301 and provide the requestor with the information required by Sections 552.301(d) and (e-1), the information requested in writing is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.

(b)  Sections 552.103, 552.104, 552.105, 552.106, 552.108, 552.111, 552.112, 552.116, 552.122, 552.125, 552.131(b), 552.144, 552.146, 552.153(b)(1), and 552.154 do not constitute compelling reasons for a governmental body that fails to comply with the requirements of Section 552.301 to withhold information under Subsection (a).

(c)  The exclusion of an exception to disclosure from the list in Subsection (b) does not create a presumption that the exception constitutes a compelling reason for a governmental body to withhold information under Subsection (a).

SECTION 4.  Section 118.011(e), Local Government Code, is amended to read as follows:

(e)  A county clerk who provides a copy in a format other than paper of a record maintained by the clerk shall provide the copy and charge a fee in accordance with Section [~~Sections 552.231 and~~] 552.262, Government Code.

SECTION 5.  Section 1701.651(1), Occupations Code, is amended to read as follows:

(1)  "Body worn camera" means a recording device that is:

(A)  capable of recording video [~~,~~] or transmitting video to be recorded remotely [~~, video or audio~~]; and

(B)  worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

SECTION 6.  Section 552.231, Government Code, is repealed.

SECTION 7.  The changes in law made by this Act apply only to a request for public information received on or after the effective date of this Act.

SECTION 8.  This Act takes effect September 1, 2023.