

By: Moody

H.B. No. 3167

A BILL TO BE ENTITLED

AN ACT

relating to the production of public information under the public information law.

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

SECTION 1. Subchapter F, Chapter 552, Government Code, is amended by adding Section 552.276 to read as follows:

Sec. 552.276. VEXATIOUS REQUESTORS. (a) "Vexatious requestor" means a requestor, or the requestor's agent, servant, employee, or contractor, who submits repeated requests that the governmental body has reason to believe are intended to unreasonably burden or disrupt the official business of the governmental body.

(b) A governmental body may request an opinion from the attorney general for relief from a requestor that the governmental body alleges is a vexatious requestor. The opinion request shall detail the conduct which the governmental body alleges demonstrates a vexatious history of requests, including, but not limited to:

(1) the total number of requests filed or pending with the governmental body;

(2) the total number of complaints against the governmental body filed with the attorney general by the requestor;

(3) the scope of the requests;

(4) the nature, content, language, or subject matter of the requests;

1 (5) the nature, content, language, or subject matter
2 of other oral and written communications to the governmental body
3 from the requestor, including requests for monetary relief or
4 litigation settlement; or

5 (6) a pattern of conduct that amounts to an abuse of
6 the right to access information under the Public Information Act or
7 interferes with the official business of the governmental body.

8 (c) Upon receipt of the opinion request, the attorney
9 general shall promptly issue a written opinion, determining whether
10 the requestor is a vexatious requestor and what relief, if any,
11 should be given to the governmental body. The attorney general
12 shall render a decision not later than the 45th business day after
13 the date the attorney general received the request for an opinion.

14 (d) The attorney general may provide appropriate relief
15 commensurate with the vexatious conduct, including, but not limited
16 to, a decision that the governmental body is not required to comply
17 with future requests from the vexatious requestor for a specified
18 period of time, not to exceed one (1) year.

19 (e) The requestor or the governmental body may appeal a
20 decision of the attorney general under this subsection to a
21 district court for the county in which the main offices of the
22 governmental body are located.

23 (f) If the attorney general determines a requestor is not a
24 vexatious requestor and the governmental body does not appeal that
25 decision, for the purposes of Section 552.301 of this chapter the
26 request will be considered received upon the date the governmental
27 body receives the attorney general's decision.

1 (g) If a requestor has been determined by the attorney
2 general to be a vexatious requestor in accordance with the
3 provisions above, and the governmental body has reason to believe
4 that the vexatious requestor is continuing to submit requests
5 anonymously or under a pseudonym, the governmental body is
6 authorized to request photo identification from the requestor
7 before the governmental body complies with the request. If the
8 identification shows the individual was not previously determined
9 to be a vexatious requestor, the governmental body must treat the
10 requestor the same as all other requestors. For the purposes of
11 Section 552.301 of this chapter, the request will be considered
12 received upon the date the governmental body receives the
13 individual's photo identification. If the identification shows the
14 requestor was previously determined to be a vexatious requestor,
15 the relief provided to the governmental body by the attorney
16 general with respect to the vexatious requestor shall also apply to
17 the requests submitted anonymously or under a pseudonym. If the
18 requestor fails to provide photo identification or request relief
19 in accordance with subsection (h) from the attorney general within
20 ten (10) business days of the governmental body's request for
21 identification, the request is considered withdrawn.

22 (h) If the governmental body requests photo identification
23 because the governmental body has reason to believe the requestor
24 is a previously determined vexatious requestor, the requestor may
25 submit the governmental body's request for photo identification to
26 the attorney general within ten (10) business days of receiving the
27 photo identification request and request relief from the attorney

1 general by offering proof to the attorney general that they are not
2 a previously determined vexatious requestor. The attorney general,
3 but not the governmental body, may then request additional proof
4 from the requestor to establish the identity of anonymous
5 requestors. Within forty-five (45) business days of receiving the
6 notice from the requestor, the attorney general shall issue a
7 determination to the governmental body and the requestor of whether
8 the requestor is a previously determined vexatious requestor. If
9 the attorney general establishes by a preponderance of the evidence
10 that the requestor is not a previously determined vexatious
11 requestor, the governmental body must treat the requestor the same
12 as all other requestors. For the purposes of Section 552.301 of this
13 chapter, the request will be considered received upon the date the
14 governmental body receives the attorney general's determination.

15 SECTION 2. Subchapter F, Chapter 552, Government Code, is
16 amended by adding subsection (e) to Section 552.271 to read as
17 follows:

18 (e) A requestor who has exceeded the time limit established
19 by a governmental body under Section 552.275 of this chapter may not
20 inspect records on someone else's behalf. If the requestor intends
21 to remain anonymous, the requestor must pay the governmental body
22 the attorney general approved costs of obtaining copies.

23 SECTION 3. Subchapter F, Chapter 552, Government Code, is
24 amended by adding subsection (f) to Section 552.272 to read as
25 follows:

26 (f) A requestor who has exceeded the time limit established
27 by a governmental body under Section 552.275 of this chapter may not

1 inspect records on someone else's behalf. If the requestor intends
2 to remain anonymous, the requestor must pay the governmental body
3 the attorney general approved costs of obtaining copies.

4 SECTION 4. The changes in law made by this Act apply only to
5 a request for information that is received by a governmental body or
6 an officer for public information on or after the effective date of
7 this Act. A request for information that was received before the
8 effective date of this Act is governed by the law in effect on the
9 date the request was received, and the former law is continued in
10 effect for that purpose.

11 SECTION 5. This Act takes effect September 1, 2023.