

By: Johnson of Dallas

H.B. No. 3392

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to access to certain litigation, law enforcement,  
3 corrections, and prosecutorial records under the public  
4 information law.

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

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

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

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

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

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

22 (d) Information described by Subsection (a)(2) or an  
23 internal record or notation described by Subsection (b)(2) is not  
24 excepted from the requirements of Section 552.021 in response to a

1 written request for the information made by:

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

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

7 SECTION 3. The changes in law made by this Act to Sections  
8 552.103 and 552.108, Government Code, apply only to a request for  
9 information that is received by a governmental body or an officer or  
10 employee of a governmental body on or after the effective date of  
11 this Act. A request for information that was received before the  
12 effective date of this Act is governed by the law in effect on the  
13 date the request was received, and the former law is continued in  
14 effect for that purpose.

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