

By: Kolkhorst

S.B. No. 1102

A BILL TO BE ENTITLED

AN ACT

relating to access to certain education, law enforcement, and health records under the public information law.

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

SECTION 1. Section 552.026, Government Code, is amended to read as follows:

Sec. 552.026. EDUCATION RECORDS. (a) Except as provided by Subsection (b), this ~~[This]~~ chapter does not require the release of information contained in education records of an educational agency or institution, except in conformity with the Family Educational Rights and Privacy Act of 1974, Sec. 513, Pub. L. No. 93-380, 20 U.S.C. Sec. 1232g.

(b) A governmental body shall release records related to school attendance of a person:

(1) who is 18 years of age or older;

(2) who is deceased or incapacitated; and

(3) against whom an indictment:

(A) has been filed charging the person with an offense under Chapter 19, Penal Code, in a mass shooting; or

(B) could have been filed charging the person with an offense under Chapter 19, Penal Code, in a mass shooting if the person was not deceased.

(c) Notwithstanding Section 65.202, Family Code, truancy records and files created under Chapter 65, Family Code, for a

1 person described by Subsection (b) are subject to disclosure under  
2 Section 552.021.

3 (d) In this section, "mass shooting" means a person's  
4 discharge of a firearm to cause death to four or more persons:

5 (1) during the same criminal transaction; or

6 (2) during different criminal transactions but  
7 pursuant to the same scheme or course of conduct.

8 SECTION 2. Subchapter B, Chapter 552, Government Code, is  
9 amended by adding Section 552.030 to read as follows:

10 Sec. 552.030. RIGHT OF ACCESS TO TOXICOLOGY INFORMATION  
11 RELATING TO MASS SHOOTINGS. (a) In this section, "mass shooting"  
12 has the meaning assigned by Section 552.026.

13 (b) As soon as practicable, but not later than the 180th day  
14 after the date a mass shooting occurs, a governmental body shall  
15 make public the toxicology reports relating to the mass shooting in  
16 the governmental body's possession.

17 SECTION 3. Section 181.006, Health and Safety Code, is  
18 amended to read as follows:

19 Sec. 181.006. PROTECTED HEALTH INFORMATION NOT PUBLIC. (a)  
20 Notwithstanding Sections 181.004 and 181.051, for a covered entity  
21 that is a governmental unit, an individual's protected health  
22 information:

23 (1) includes any information that reflects that an  
24 individual received health care from the covered entity; and

25 (2) except as provided by Subsection (b), is not public  
26 information and is not subject to disclosure under Chapter 552,  
27 Government Code.

1        (b) A covered entity that is a governmental unit shall  
2 release all records and files for an individual described by  
3 Sections 552.026(b)(2) and (3), Government Code, related to the  
4 individual's enrollment in a state health plan that receives  
5 funding under 42 U.S.C. Section 1397aa et seq.

6        SECTION 4. The changes in law made by this Act apply to  
7 information produced or maintained before, on, or after the  
8 effective date of this Act.

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