

By: Johnson

S.B. No. 1617

A BILL TO BE ENTITLED

AN ACT

1
2 relating to disclosure under the public information law of
3 settlement communications maintained by or on behalf of the
4 attorney general as part of a deceptive trade practices
5 investigation or action.

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

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

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

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

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

24 (1) the case is reported closed in the attorney

1 general's case management records;

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

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

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

9 (5) all appeals are finalized.

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

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