

1-1 By: Johnson S.B. No. 1617
1-2 (In the Senate - Filed March 6, 2023; March 16, 2023, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 17, 2023, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; April 17, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Hughes	X		
1-9	Paxton	X		
1-10	Bettencourt	X		
1-11	Birdwell	X		
1-12	LaMantia	X		
1-13	Menéndez	X		
1-14	Middleton	X		
1-15	Parker	X		
1-16	Perry		X	
1-17	Schwertner	X		
1-18	Zaffirini	X		

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to disclosure under the public information law of
1-22 settlement communications maintained by or on behalf of the
1-23 attorney general as part of a deceptive trade practices
1-24 investigation or action.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 17.45, Business & Commerce Code, is
1-27 amended by adding Subdivision (18) to read as follows:

1-28 (18) "Settlement communications" means documentary
1-29 materials or information collected, assembled, drafted, developed,
1-30 used, received, or maintained by or on behalf of the attorney
1-31 general with respect to an investigation or litigation conducted
1-32 under this subchapter and that reflects or is regarding
1-33 negotiations made for the purpose of achieving a resolution of a
1-34 matter without the need for continuing with litigation or trial.

1-35 SECTION 2. Subchapter E, Chapter 17, Business & Commerce
1-36 Code, is amended by adding Section 17.475 to read as follows:

1-37 Sec. 17.475. CONFIDENTIALITY OF SETTLEMENT COMMUNICATIONS.
1-38 An attorney general settlement communication is privileged and not
1-39 subject to disclosure under Chapter 552, Government Code, from the
1-40 date the attorney general's investigation begins, as indicated in
1-41 the attorney general's case management records, until the earlier
1-42 of the date:

1-43 (1) the case is reported closed in the attorney
1-44 general's case management records;

1-45 (2) the final judgment, assurance of voluntary
1-46 compliance, or other settlement agreement is entered by the court,
1-47 and the period for filing a notice of appeal has passed;

1-48 (3) the settlement documents are executed by all
1-49 parties, if the documents are not filed in court;

1-50 (4) the order of dismissal or nonsuit disposing of all
1-51 parties is entered by the court; or

1-52 (5) all appeals are finalized.

1-53 SECTION 3. The change in law made by this Act applies only
1-54 to a request for public information received by the attorney
1-55 general under Chapter 552, Government Code, on or after the
1-56 effective date of this Act.

1-57 SECTION 4. This Act takes effect September 1, 2023.

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