

By: Hinojosa

S.B. No. 1658

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the collection and disclosure of certain public
3 information.

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

5 SECTION 1. Section 552.101, Government Code, is amended to
6 read as follows:

7 Sec. 552.101. EXCEPTION: CONFIDENTIAL INFORMATION. (a)
8 Subject to Subsection (b), information ~~[Information]~~ is excepted
9 from the requirements of Section 552.021 if it is information
10 considered to be confidential by law, either constitutional,
11 statutory, or by judicial decision.

12 (b) This section does not encompass:

13 (1) the attorney-client privilege;

14 (2) the work product privilege;

15 (3) another exception to disclosure provided by this
16 chapter; or

17 (4) a state or federal discovery privilege, including
18 a discovery privilege provided by the:

19 (A) Texas Rules of Civil Procedure;

20 (B) Texas Rules of Evidence;

21 (C) Texas Disciplinary Rules of Professional
22 Conduct;

23 (D) Federal Rules of Evidence; or

24 (E) Federal Rules of Civil Procedure.

1 SECTION 2. Section 552.108(c), Government Code, is amended
2 to read as follows:

3 (c) This section does not except basic information from the
4 requirements of Section 552.021 [~~information that is basic~~
5 ~~information about an arrested person, an arrest, or a crime~~].

6 SECTION 3. Section 552.302, Government Code, is amended to
7 read as follows:

8 Sec. 552.302. FAILURE TO MAKE TIMELY REQUEST FOR ATTORNEY
9 GENERAL DECISION; PRESUMPTION THAT INFORMATION IS PUBLIC. (a)
10 Subject to Subsection (b), if [~~If~~] a governmental body does not
11 request an attorney general decision as provided by Section 552.301
12 and provide the requestor with the information required by Sections
13 552.301(d) and (e-1), the information requested in writing is
14 presumed to be subject to required public disclosure and must be
15 released unless there is a compelling reason to withhold the
16 information.

17 (b) Sections 552.103, 552.104, 552.105, 552.106, 552.108,
18 552.111, 552.112, 552.116, 552.122, 552.125, 552.131(b), 552.144,
19 552.146, 552.153(b)(1), and 552.154 do not constitute compelling
20 reasons for a governmental body that fails to comply with the
21 requirements of Section 552.301 to withhold information under
22 Subsection (a).

23 (c) The exclusion of an exception to disclosure from the
24 list in Subsection (b) does not create a presumption that the
25 exception constitutes a compelling reason for a governmental body
26 to withhold information under Subsection (a).

27 SECTION 4. Section 118.011(e), Local Government Code, is

1 amended to read as follows:

2 (e) A county clerk who provides a copy in a format other than
3 paper of a record maintained by the clerk shall provide the copy and
4 charge a fee in accordance with Section [~~Sections 552.231 and~~
5 552.262, Government Code.

6 SECTION 5. Section 1701.651(1), Occupations Code, is
7 amended to read as follows:

8 (1) "Body worn camera" means a recording device that
9 is:

10 (A) capable of recording video [~~7~~] or
11 transmitting video to be recorded remotely [~~7, video or audio~~]; and

12 (B) worn on the person of a peace officer, which
13 includes being attached to the officer's clothing or worn as
14 glasses.

15 SECTION 6. Section 552.231, Government Code, is repealed.

16 SECTION 7. The changes in law made by this Act apply only to
17 a request for public information received on or after the effective
18 date of this Act.

19 SECTION 8. This Act takes effect September 1, 2023.