

1-1 By: Hinojosa S.B. No. 1658
 1-2 (In the Senate - Filed March 6, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 April 20, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 11, Nays 0; April 20, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1658 By: King

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the collection and disclosure of certain public
 1-24 information.

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

1-26 SECTION 1. Section 552.101, Government Code, is amended to
 1-27 read as follows:

1-28 Sec. 552.101. EXCEPTION: CONFIDENTIAL INFORMATION. (a)
 1-29 Subject to Subsection (b), information [Information] is excepted
 1-30 from the requirements of Section 552.021 if it is information
 1-31 considered to be confidential by law, either constitutional,
 1-32 statutory, or by judicial decision.

1-33 (b) This section does not encompass:

1-34 (1) the attorney-client privilege;

1-35 (2) the work product privilege;

1-36 (3) another exception to disclosure provided by this
 1-37 chapter; or

1-38 (4) a state or federal discovery privilege, including
 1-39 a discovery privilege provided by the:

1-40 (A) Texas Rules of Civil Procedure;

1-41 (B) Texas Rules of Evidence;

1-42 (C) Texas Disciplinary Rules of Professional
 1-43 Conduct;

1-44 (D) Federal Rules of Evidence; or

1-45 (E) Federal Rules of Civil Procedure.

1-46 SECTION 2. Section 552.108(c), Government Code, is amended
 1-47 to read as follows:

1-48 (c) This section does not except basic information from the
 1-49 requirements of Section 552.021 [information that is basic
 1-50 information about an arrested person, an arrest, or a crime].

1-51 SECTION 3. Section 552.302, Government Code, is amended to
 1-52 read as follows:

1-53 Sec. 552.302. FAILURE TO MAKE TIMELY REQUEST FOR ATTORNEY
 1-54 GENERAL DECISION; PRESUMPTION THAT INFORMATION IS PUBLIC. (a)
 1-55 Subject to Subsection (b), if [if] a governmental body does not
 1-56 request an attorney general decision as provided by Section 552.301
 1-57 and provide the requestor with the information required by Sections
 1-58 552.301(d) and (e-1), the information requested in writing is
 1-59 presumed to be subject to required public disclosure and must be
 1-60 released unless there is a compelling reason to withhold the

2-1 information.

2-2 (b) Sections 552.103, 552.104, 552.105, 552.106, 552.108,
2-3 552.111, 552.112, 552.116, 552.122, 552.125, 552.131(b), 552.144,
2-4 552.146, 552.153(b)(1), and 552.154 do not constitute compelling
2-5 reasons for a governmental body that fails to comply with the
2-6 requirements of Section 552.301 to withhold information under
2-7 Subsection (a).

2-8 (c) The exclusion of an exception to disclosure from the
2-9 list in Subsection (b) does not create a presumption that the
2-10 exception constitutes a compelling reason for a governmental body
2-11 to withhold information under Subsection (a).

2-12 SECTION 4. Section 118.011(e), Local Government Code, is
2-13 amended to read as follows:

2-14 (e) A county clerk who provides a copy in a format other than
2-15 paper of a record maintained by the clerk shall provide the copy and
2-16 charge a fee in accordance with Section [~~Sections 552.231 and~~
2-17 552.262, Government Code.

2-18 SECTION 5. Subchapter N, Chapter 1701, Occupations Code, is
2-19 amended by adding Section 1701.6515 to read as follows:

2-20 Sec. 1701.6515. RECORDINGS; APPLICABILITY. (a) A reference
2-21 in this subchapter to a "recording" by a body worn camera, however
2-22 phrased, means an audio recording, a video recording, or an
2-23 audiovisual recording.

2-24 (b) Subsection (a) applies to a "body worn camera
2-25 recording," a "recording created with a body worn camera,"
2-26 "information recorded by a body worn camera," "recorded
2-27 information," and any synonymous word or phrase.

2-28 SECTION 6. Section 552.231, Government Code, is repealed.

2-29 SECTION 7. The changes in law made by this Act apply only to
2-30 a request for public information received on or after the effective
2-31 date of this Act.

2-32 SECTION 8. This Act takes effect September 1, 2023.

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