By: King S.B. No. 1770

A BILL TO BE ENTITLED

AN ACT

relating to an exception to required disclosure under the public information law for certain electronic information held by a prosecutor, law enforcement agency, or corrections agency.

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

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1082 to read as follows:

Sec. 552.1082. EXCEPTION: CERTAIN ELECTRONIC INFORMATION HELD BY PROSECUTOR, LAW ENFORCEMENT AGENCY, OR CORRECTIONS AGENCY. (a) Information held by a prosecutor, law enforcement agency, or corrections agency is excepted from the requirements of Section 552.021 if the information:

(1) was obtained, or is a copy of information obtained, from:

(A) an electronic communication device;

(B) a computer, tablet, or other similar device; or

(C) a disk, flash drive, or other electronic storage device;

(2) was obtained by any prosecutor, law enforcement agency, or corrections agency:

(A) during the course of the detection, investigation, or prosecution of a crime; or

(B) in a manner related to the detection,

investigation, or prosecution of a crime; and

(3) was not written or produced by a prosecutor, law enforcement agency, or corrections agency.

(b) Subject to Subsection (c), a governmental body may redact information described by Subsection (a) from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G.

(c) A governmental body that redacts or withholds information under Subsection (b) shall provide a written notice to the requestor:

(1) stating that information is being withheld from the requestor as provided by this section;

(2) identifying the device described by Subsection (a)(1) from which the information was obtained; and

(3) including, if known, the name of the person who owned or possessed the device from which the information was obtained at the time the device was obtained by a prosecutor, law enforcement agency, or corrections agency.

SECTION 2. The change in law made by this Act applies only to a request for public information received by the attorney general under Chapter 552, Government Code, on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2023.