

SENATE AMENDMENTS

2nd Printing

By: Moody, Burrows, Slawson, Metcalf, Turner,
et al.

H.B. No. 30

A BILL TO BE ENTITLED

1

AN ACT

2 relating to access to certain law enforcement, corrections, and
3 prosecutorial records under the public information law.

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

5 SECTION 1. Section 552.108, Government Code, is amended by
6 adding Subsections (d), (e), and (f) to read as follows:

7 (d) The exceptions to disclosure provided by Subsections
8 (a)(2) and (b)(2) do not apply to information, records, or
9 notations if:

10 (1) a person who is described by or depicted in the
11 information, record, or notation, other than a peace officer, is
12 deceased or incapacitated; or

13 (2) each person who is described by or depicted in the
14 information, record, or notation consents to the release of the
15 information, record, or notation.

16 (e) This section does not except from the requirements of
17 Section 552.021 a letter, memorandum, or document regarding a
18 police officer's alleged misconduct in the police officer's
19 personnel file under Section 143.089, Local Government Code, if:

20 (1) a person who is described by or depicted in the
21 letter, memorandum, or document, other than the police officer, is
22 deceased or incapacitated; or

23 (2) each person who is described by or depicted in the
24 letter, memorandum, or document consents to the release of the

1 letter, memorandum, or document.

2 (f) A governmental body that releases information, records,
3 or notations to a family member of a deceased or incapacitated
4 person who is described by or depicted in the information, record,
5 or notation is not considered to have voluntarily made that
6 information available to the public for purposes of Section 552.007
7 and does not waive the ability to assert in the future that the
8 information is excepted from required disclosure under this section
9 or other law.

10 SECTION 2. Section 143.089(g), Local Government Code, is
11 amended to read as follows:

12 (g) A fire or police department may maintain a personnel
13 file on a fire fighter or police officer employed by the department
14 for the department's use. Except as provided by Subsection (h), the
15 department may not release any information contained in the
16 department file to any agency or person requesting information
17 relating to a fire fighter or police officer, other than
18 information relating to a police officer's alleged misconduct in
19 the police officer's personnel file, as permitted by Section
20 552.108, Government Code. The department shall refer to the
21 director or the director's designee a person or agency that
22 requests information that is maintained in the fire fighter's or
23 police officer's personnel file.

24 SECTION 3. Sections 552.108(d), (e), and (f), Government
25 Code, as added by this Act, and Section 143.089(g), Local
26 Government Code, as amended by this Act, apply to information,
27 records, notations, letters, memoranda, and documents collected,

H.B. No. 30

1 made, assembled, or maintained before, on, or after the effective
2 date of this Act.

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

By: Phil King H.B. No. 30
Substitute the following H.B. No. 30
By: Phil King C.S. H.B. No. 30

ADOPTED

MAY 21 2023

Lately Law
Secretary of the Senate

A BILL TO BE ENTITLED

AN ACT

relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.

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

SECTION 1. Section 552.108, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The exception to disclosure provided by Subsection (a)(2) does not apply to information, records, or notations if:

(1) a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; and

(2) each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation.

SECTION 2. The change in law made by this Act applies only to a request for public information received by a governmental body or an officer for public information on or after the effective date of this Act.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 22, 2023

TO: Honorable Dade Phelan, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB30 by Moody (Relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JMc, SD, SZ, HGR, SMAT

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 19, 2023

TO: Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB30 by Moody (relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JMc, SZ, HGR, SMAT

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 19, 2023

TO: Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB30 by Moody (Relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JMc, SZ, SMAT, HGR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 1, 2023

TO: Honorable Todd Hunter, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB30 by Moody (relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JMc, SMAT, HGR

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 11, 2023

TO: Honorable Todd Hunter, Chair, House Committee on State Affairs

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB30 by Moody (Relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code, Occupation Code, Local Government Code, and Code of Criminal Procedure relating to access to certain law enforcement, corrections, and prosecutorial records under the public information law.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: JMc, SMAT, LCO, HGR