

House Bill 30
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

(d) The exceptions to disclosure provided by Subsections (a)(2) and (b)(2) do 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; or

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

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

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

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

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

SENATE VERSION (CS)

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.

CONFERENCE

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HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

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

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

No equivalent provision.

SECTION 3. Sections 552.108(d), (e), and (f), Government Code, as added by this Act, and Section 143.089(g), Local Government Code, as amended by this Act, apply to information, records, notations, letters, memoranda, and documents collected, made, assembled, or maintained before, on, or after the effective date of this Act.

No equivalent provision.

No equivalent provision.

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.

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HOUSE VERSION

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

SENATE VERSION (CS)

SECTION 3. Same as House version.

CONFERENCE