

By: Garcia Hernandez

H.B. No. 981

A BILL TO BE ENTITLED

AN ACT

relating to access to certain litigation, 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 552.103(c), Government Code, is amended to read as follows:

(c) Information relating to litigation involving a governmental body or an officer or employee of a governmental body is excepted from disclosure under Subsection (a) only if the litigation is pending or reasonably anticipated on the date that the requestor applies to the officer for public information for access to or duplication of the information. For purposes of this section, litigation is considered reasonably anticipated only if a person with an alleged claim, or that person's attorney, has:

(1) threatened in writing to take legal action against the governmental body; or

(2) made a written demand for compensation as a result of an alleged claim against the governmental body.

SECTION 2. Section 552.108(d), Government Code, as added by Chapter 986 (H.B. 30), Acts of the 88th Legislature, Regular Session, 2023, is amended by to read as follows:

(d) Information described ~~[The exception to disclosure provided]~~ by Subsection (a)(2) or an internal record or notation

1 described by Subsection (b)(2) is not excepted from the
2 requirements of Section 552.021 in response to a written request
3 for the ~~[does not apply to]~~ information, record, or notation made by
4 ~~[records, or notations if]:~~

5 (1) a person who is the subject of ~~[described by or~~
6 ~~depicted in]~~ the information, record, or notation, or the person's
7 attorney ~~[other than a peace officer, is deceased or~~
8 ~~incapacitated]; or~~

9 (2) if the person described by Subdivision (1) ~~[each~~
10 ~~person who is described by or depicted in the information, record,~~
11 ~~or notation, other than a person who]~~ is deceased, the person's
12 spouse, child, or parent, an administrator of the person's estate,
13 or any of their attorneys ~~[or incapacitated, consents to the~~
14 ~~release of the information, record, or notation].~~

15 SECTION 3. The changes in law made by this Act to Sections
16 552.103 and 552.108, Government Code, apply only to a request for
17 information that is received by a governmental body or an officer or
18 employee of a governmental body on or after the effective date of
19 this Act. A request for information that was received before the
20 effective date of this Act is governed by the law in effect on the
21 date the request was received, and the former law is continued in
22 effect for that purpose.

23 SECTION 4. This Act takes effect September 1, 2025.