

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/25/23
Date

Honorable Dan Patrick
President of the Senate

Honorable Dade Phelan
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB30 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Phil King
King

Peter P. Flores
Flores

Jim Kolkhorst
Kolkhorst

Jean Huffman
Huffman

J. J. Hinojosa
On the part of the Senate
Hinojosa

Moody
Moody

Dustin Burrows
Burrows

Chris Turner
Turner

Shelby Slawson
On the part of the House
Slawson

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

H.B. No. 30

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; or

(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.

House Bill 30
Conference Committee Report
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

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.

No equivalent provision.

No equivalent provision.

CONFERENCE

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; or

(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.

Same as Senate version.

Same as Senate version.

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HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

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.

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.

Same as Senate version.

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.

Same as Senate version.

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.

SECTION 2. Same as Senate version.

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HOUSE VERSION

SECTION 4. Effective date.

SENATE VERSION (CS)

SECTION 3. Same as House version.

CONFERENCE

SECTION 3. Same as House version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

May 27, 2023

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
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), **Conference Committee Report**

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, SD, HGR, SMAT