

BILL ANALYSIS

C.S.H.B. 2783
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the current process under state public information law in which an information requestor may recoup litigation costs and attorney fees for certain state public information law challenges is problematic and may impede efforts at government transparency. C.S.H.B. 2783 seeks to address this issue by revising provisions relating to the assessment of litigation costs and attorney fees in certain lawsuits under state public information law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2783 amends the Government Code to authorize a court, in certain actions brought under state public information law, to assess costs of litigation and reasonable attorney fees incurred by a plaintiff to whom a governmental body voluntarily releases the requested information after filing an answer to the suit, with certain exceptions.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2783 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 552.323(a), Government Code, is amended to read as follows:

(a) In an action brought under Section 552.321 or 552.3215, the court shall assess costs of litigation and reasonable attorney

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 552.323(a), Government Code, is amended to read as follows:

(a) In an action brought under Section 552.321 or 552.3215, the court shall assess costs of litigation and reasonable attorney

fees incurred by a plaintiff who substantially prevails or

to whom a governmental body voluntarily releases the requested information after filing an answer to the suit, except that the court may not assess those costs and fees against a governmental body if the court finds that the governmental body acted in reasonable reliance on:

- (1) a judgment or an order of a court applicable to the governmental body;
- (2) the published opinion of an appellate court; or
- (3) a written decision of the attorney general, including a decision issued under Subchapter G or an opinion issued under Section 402.042.

SECTION 2. The change in law made by this Act applies only to a suit filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

fees incurred by a plaintiff who substantially prevails or may assess costs of litigation and reasonable attorney fees incurred by a plaintiff

to whom a governmental body voluntarily releases the requested information after filing an answer to the suit, except that the court may not assess those costs and fees against a governmental body if the court finds that the governmental body acted in reasonable reliance on:

- (1) a judgment or an order of a court applicable to the governmental body;
- (2) the published opinion of an appellate court; or
- (3) a written decision of the attorney general, including a decision issued under Subchapter G or an opinion issued under Section 402.042.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.