

SUBJECT: Limiting disclosure exceptions for certain law enforcement records

COMMITTEE: State Affairs — committee substitute recommended

VOTE: 11 ayes — Hunter, Hernandez, Anchía, Dean, Geren, Guillen, Metcalf,  
Raymond, Slawson, S. Thompson, Turner

2 nays — Smithee, Spiller

WITNESSES: For — Donnis Baggett, Texas Press Association; Ivonne Diaz, Texas Rising; Kathy Dyer; Robert Dyer; Zachary Kolodny (*Registered, but did not testify*: Stephen Reeves, Fellowship Southwest; Kelley Shannon, Freedom of Information Foundation of Texas; Amber Mills, MOVE Texas Action Fund; Libby Goldman, Never Again Action; Samuel Brannon, Southwestern Texas Synod ELCA; Alondra Andrade, Tahirih Justice Center; Cole Meyer, Texas Appleseed; Michael Schneider, Texas Association of Broadcasters; Alexis Bay, Texas Civil Rights Project; Rocio Fierro-Perez, Texas Freedom Network; Alexa Carranco, Manuel Guzman, Kyle Jacquez, Texas Rising; Ware Wendell, Texas Watch; Katie Naranjo, Cynthia Van Maanen, Travis County Democratic Party; and 35 individuals)

Against — Thomas Villarreal, Austin Police Association; Jennifer Szimanski, Marvin Ryals, Combined Law Enforcement Associations of Texas, Chris Jenkins (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; Charley Wilkison, El Paso Police Officers' Association, El Paso County Sheriff's Officers Association, Combined Law Enforcement Associations of Texas; Joe Morris, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers' Union; Victor Trevino, La Union del Pueblo Entero; Karina Alvarez, Laredo Immigrant Alliance; Carlos Ortiz, San Antonio Police Officers' Association; John Wilkerson, Texas Municipal Police Association (TMPA); AJ Louderback, Texas Sheriffs' Regional Alliance; Fernando Garcia, Samantha Singleton, The Border Network for Human Rights; Brien Casey, Williamson County Deputies Association; Noel Johnson,

Williamson County Sheriff's Office; and 7 individuals)

On — (*Registered, but did not testify*: Shawn Hall Lecuona, The Voice of Justice and of Consanguinity)

**BACKGROUND:** Government Code, sec. 552.022 establishes categories of public information subject to required disclosure. Sec. 552.108 exempts certain information held by law enforcement agencies or a prosecutors from disclosure requirements.

Concerns have been raised that current law exempting information related to criminal cases that did not result in a conviction or deferred adjudication from required disclosure may prevent certain information about cases involving deceased suspects from becoming publicly available.

**DIGEST:** CSHB 30 would specify that information, including an internal record or notation, held by a law enforcement agency or prosecutor that dealt with the detection, investigations, or prosecutions of a crime that did not result in conviction or deferred adjudication would be public information if:

- a person who was described by or depicted in the information, record, or notation, other than a peace officer, was deceased or incapacitated; or
- each person who was described by or depicted in the information, records, or notations consented to the release of the information.

The bill would specify that a letter, memorandum, or document in a police officer's personnel file regarding a police officer's alleged misconduct would be public information if:

- a person who was described by or depicted in the letter, memorandum, or document, other than the police officer, was deceased or incapacitated; or
- each person who was described by or depicted in the applicable documents consented to the release of the letter, memorandum, or

document.

A governmental body that released information, records, or notations to a family member of a deceased or incapacitated person who was described by or depicted in the information, record, or notation would not be considered to have voluntarily made that information available to the public.

CSHB 30 would specify that a police department could release information permitted under Government Code sec. 552.108 in a police officer's personnel file relating to the police officer's alleged misconduct to an agency or person requesting information relating to the police officer.

The bill would take effect September 1, 2023, and would apply to information, records, notations, letters, memoranda, and documents collected made, assembled, or maintained before, on, or after that date.