

## **BILL ANALYSIS**

Senate Research Center

S.B. 983  
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Open Government  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 983 will amend the Government Code to specify that in any suit filed under the Public Information Act (PIA) the information at issue may be filed with the court for in camera inspection and be promptly filed under seal by the court.

S.B. 983 seeks to promote efficient use of government resources. It is a procedural provision that is precisely tailored for the unique realities of PIA litigation, in that it allows a court to review and efficiently seal confidential PIA documents so that they may be part of the record of the case, as required by law.

This legislation will enable the PIA docket to move quickly and efficiently, thus providing requestors and governmental bodies with the answers they need in a timely manner. In addition, it will provide for more consistent treatment of information at issue at the trial court level among all cases under the PIA (involving state or local governments), which will ensure that the appellate courts timely receive the information they need to rule.

As proposed, S.B. 983 amends current law relating to in camera review and filing of the information at issue in a suit filed under the public information law.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter H, Chapter 552, Government Code, by adding Section 552.3221, as follows:

Sec. 552.3221. IN CAMERA INSPECTION OF INFORMATION. (a) Authorizes that the information at issue, in any suit filed under this chapter, be filed with the court for in camera inspection as is necessary for the adjudication of the case.

(b) Requires the court, upon receipt of the information at issue for in camera inspection, to enter an order that prevents release to or access by any person other than the court, a reviewing court of appeals, or parties permitted to inspect the information pursuant to a protective order. Requires that the order further note the filing date and time.

(c) Requires that the information at issue filed with the court for in camera inspection be:

(1) appended to the order and transmitted by the court to the clerk for filing as "information at issue";

(2) maintained in a sealed envelope or in a manner that precludes disclosure of the information; and

(3) transmitted by the clerk to any court of appeal as part of the clerk's record.

(d) Provides that information filed with the court under this section does not constitute "court records" within the meaning of Texas Rule of Civil Procedure 76a and is not required to be made available by the clerk or any custodian of record for public inspection.

(e) Defines "information at issue" for purposes of this section.

SECTION 2. Effective date: September 1, 2013.