

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1697
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Criminal Justice
4/22/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Criminal Justice has received multiple requests for information about the use and procurement of the compound used to execute Texas convicts sentenced to death. The Open Records Division of the Office of the Attorney General has previously ruled that some of this information might be protected under the Texas Public Information Act (TPIA), while similar information might not be.

Based on the conflicting open records decisions and threatened or ongoing litigation regarding the confidentiality of this information, explicit statutory authority is needed to withhold this information.

C.S.S.B. 1697 makes confidential for the purposes of the TPIA the identifying information of persons who come into contact with the compound administered for the execution, whether transporting, testing, procuring, supplying, administering, compounding, or manufacturing the substance.

C.S.S.B. 1697 amends current law relating to the confidentiality of certain information regarding procedures and substances used in the execution of a convict.

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 C, Chapter 552, Government Code, by adding Section 552.1081, as follows:

Sec. 552.1081. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION REGARDING EXECUTION OF CONVICT. Provides that information is excepted from the requirements of Section 552.021 (Availability of Public Information) if it contains identifying information under Article 43.14, Code of Criminal Procedure, including that of:

- (1) any person who participates in an execution procedure, including a person who uses, supplies, or administers a substance during the execution; and
- (2) any person or entity that manufactures, transports, tests, procures, compounds, prescribes, dispenses, or provides a substance or supplies used in an execution.

SECTION 2. Amends Article 43.14, Code of Criminal Procedure, as follows:

Art. 43.14. New heading: EXECUTION OF CONVICT: CONFIDENTIAL INFORMATION. (a) Creates this subsection from existing text and makes no further change to this subsection.

- (b) Provides that the name, address, and other identifying information of the following is confidential and excepted from disclosure under Section 552.021, Government Code:

(1) any person who participates in an execution procedure described by Subsection (a), including a person who uses, supplies, or administers a substance during the execution; and

(2) any person or entity that manufactures, transports, tests, procures, compounds, prescribes, dispenses, or provides a substance or supplies used in an execution.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2015.