

SUBJECT: Public disclosure exception for photographs of peace officers

COMMITTEE: State Affairs —favorable, without amendment

VOTE: 6 ayes — Swinford, Miller, B. Cook, Farrar, Martinez Fischer, Wong
0 nays
3 absent — Gattis, J. Keffer, Villarreal

WITNESSES: For — None
Against — None
On — Brenda Loudermilk, Office of the Attorney General

BACKGROUND: Government Code, ch. 552, also known as the Public Information Act, provides for public access to records maintained by state and local government. Under sec. 552.119, photographs of peace officers and security officers at private institutions of higher learning are excepted from disclosure to protect the life and physical safety of the officers. This exception does not apply if the officer is under indictment or is a party in a fire or police civil service hearing, or if the photograph is introduced as evidence in a judicial proceeding.

DIGEST: HB 1284 would amend Government Code, sec. 552.119 to provide that the photograph of an officer who is a party in any civil service hearing – not just a fire or police civil service hearing – is not excepted from disclosure under the Public Information Act. It would also remove specific references to security officers at private institutions of higher learning.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

SUPPORTERS SAY: HB 1284 would clean up sec. 552.119 of the Government Code to bring it into conformity with a recent attorney general opinion and other statutes. It would not make any substantive change in the law.

In September 2000, the Attorney General's Office released an open records letter ruling (OR2000-3712) saying that the exception to disclosure for photographs of peace officers does not apply to an officer involved in a civil service hearing generally. HB 1284 would remove specific references to police and fire civil service hearings in order to conform to this opinion.

HB 1284 also would remove specific references to security officers at private institutions of higher education because those references are redundant. Under the Code of Criminal Procedure, Art. 2.12, these security officers already are considered peace officers and are therefore covered under the provisions of this section.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

The companion bill, SB 148 by Wentworth, passed the Senate on the Local and Uncontested Calendar on March 31 and was reported favorably, without amendment, by the House State Affairs Committee on April 13, making it eligible to be considered in lieu of HB 1284.