

BILL ANALYSIS

Senate Research Center

S.B. 1101
By: Wentworth
State Affairs
3-26-97
As Filed

DIGEST

Currently, the state courts' and the Texas Attorney General's interpretation of the Texas Open Records Act to except from public disclosure active or pending law enforcement files and to require the disclosure of closed or inactive files to the extent release of such information would not unduly interfere with law enforcement activities has been rejected by the Texas Supreme Court. The high court found that the law enforcement exception categorically permitted law enforcement agencies to withhold active or closed files. As a result of this holding, Texas law enforcement agencies are no longer required to permit inspection of such records. This bill would amend the Texas Open Records Act to allow the inspection of certain law enforcement records unless such inspection of such information would unduly interfere with the detection, investigation, or prosecution of the crime.

PURPOSE

As proposed, S.B. 1101 authorizes the inspection of certain law enforcement records unless inspection of such information would unduly interfere with the detection, investigation, or prosecution of a crime.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 552.108, Government Code, by providing that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if release of the information would unduly interfere with the detection, investigation, or prosecution of crime. Provides that an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from the requirements of Section 552.021 if release of the internal record or notation would unduly interfere with law enforcement or prosecution.

SECTION 2. Makes application of this Act retroactive.

SECTION 3. Emergency clause.
Effective date: upon passage.