

BILL ANALYSIS

H.B. 3234
By: Moody
Government Transparency & Operation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties are concerned about unintended effects of the exceptions from the public-availability requirement of state public information law provided for certain information and internal records or notations of a law enforcement agency or prosecutor relating to an investigation that did not result in conviction or deferred adjudication. H.B. 3234 seeks to address this issue by setting out circumstances under which such information, records, and notations are not excepted from that requirement.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3234 amends the Government Code to establish that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication and an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use and that relates to law enforcement only in relation to such an investigation are not excepted from the public-availability requirement of state public information law if each person who is the subject of the information, record, or notation is deceased or consents to the release of the information, record, or notation or if the information, record, or notation relates to a peace officer who is the subject of a criminal or internal investigation arising out of the peace officer's involvement in the detection, investigation, or prosecution of a crime. The bill applies to information, records, and notations collected, made, assembled, or maintained on, before, or after the bill's effective date.

EFFECTIVE DATE

September 1, 2017.