

By: Smithee

H.B. No. 3846

Substitute the following for H.B. No. 3846:

By: Elkins

C.S.H.B. No. 3846

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information regarding procedures and substances used in the execution of a convict.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1081 to read as follows:

Sec. 552.1081. EXCEPTION: CONFIDENTIALITY OF CERTAIN INFORMATION REGARDING EXECUTION OF CONVICT. Information is excepted from the requirements of Section 552.021 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. Article 43.14, Code of Criminal Procedure, is amended to read as follows:

Art. 43.14. EXECUTION OF CONVICT: CONFIDENTIAL INFORMATION [~~CONVICT~~]. (a) Whenever the sentence of death is pronounced against a convict, the sentence shall be executed at any time after the hour of 6 p.m. on the day set for the execution, by intravenous injection of a substance or substances in a lethal quantity

1 sufficient to cause death and until such convict is dead, such
2 execution procedure to be determined and supervised by the director
3 of the correctional institutions division of the Texas Department
4 of Criminal Justice.

5 (b) The name, address, and other identifying information of
6 the following is confidential and excepted from disclosure under
7 Section 552.021, Government Code:

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

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

14 SECTION 3. The changes in law made by this Act apply only to
15 a request for information that is received by a governmental body or
16 an officer for public information on or after the effective date of
17 this Act. A request for information that was received before the
18 effective date of this Act is governed by the law in effect on the
19 date the request was received, and the former law is continued in
20 effect for that purpose.

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2015.