

1 AN ACT

2 relating to an exception from civil discovery for certain records  
3 of a law enforcement agency.

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

5 SECTION 1. Chapter 30, Civil Practice and Remedies Code, is  
6 amended by adding Section 30.006 to read as follows:

7 Sec. 30.006. CERTAIN LAW ENFORCEMENT AGENCY RECORDS NOT  
8 SUBJECT TO DISCOVERY. (a) In this section, "law enforcement  
9 agency" means a governmental agency that employs a peace officer as  
10 defined under Article 2.12, Code of Criminal Procedure.

11 (b) This section does not apply to an action in which a law  
12 enforcement agency is a party.

13 (c) Except as provided by Subsection (d), a court in a civil  
14 action may not order discovery from a nonparty law enforcement  
15 agency of information, records, documents, evidentiary materials,  
16 and tangible things if:

17 (1) the information, records, documents, evidentiary  
18 materials, or tangible things deal with:

19 (A) the detection, investigation, or prosecution  
20 of crime; or

21 (B) an investigation by the nonparty law  
22 enforcement agency that does not result in conviction or deferred  
23 adjudication; and

24 (2) the release of the information, records,

1 documents, evidentiary materials, or tangible things would  
2 interfere with the detection, investigation, or prosecution of  
3 criminal acts.

4 (d) On motion of a party, the court may order discovery from  
5 a nonparty law enforcement agency of information, records,  
6 documents, evidentiary materials, and tangible things described by  
7 Subsection (c) if the court determines, after in camera inspection,  
8 that:

9 (1) the discovery sought is relevant; and

10 (2) there is a specific need for the discovery.

11 (e) This section does not apply to:

12 (1) a report of an accident under Chapter 550,  
13 Transportation Code; and

14 (2) photographs, field measurements, scene drawings,  
15 and accident reconstruction done in conjunction with the  
16 investigation of the underlying accident.

17 SECTION 2. (a) This Act applies to an action:

18 (1) commenced on or after the effective date of this  
19 Act; or

20 (2) pending on that effective date and in which the  
21 trial, on any new trial or retrial following motion, appeal, or  
22 otherwise, begins on or after that effective date.

23 (b) In an action commenced before the effective date of this  
24 Act, a trial, new trial, or retrial that is in progress on the  
25 effective date is governed by the law applicable to the trial, new  
26 trial, or retrial immediately before the effective date, and that  
27 law is continued in effect for that purpose.

1 SECTION 3. This Act takes effect September 1, 2007.

David Newhurst  
President of the Senate

Jim Caddick  
Speaker of the House

I certify that H.B. No. 1572 was passed by the House on May 1, 2007, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 1572 was passed by the Senate on May 21, 2007, by the following vote: Yeas 31, Nays 0.

Letsy Law  
Secretary of the Senate

APPROVED: 15 JUN 07  
Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE

5 PM O'CLOCK

JUN 15 2007

Roger Williams  
Secretary of State