

1 AN ACT

2 relating to the collection and dissemination by the Department of
3 Public Safety of information relating to certain threats against
4 detention officers.

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

6 SECTION 1. The heading to Section 411.048, Government Code,
7 is amended to read as follows:

8 Sec. 411.048. THREATS AGAINST PEACE OFFICERS AND DETENTION
9 OFFICERS.

10 SECTION 2. Sections 411.048(a)-(e) and (h), Government
11 Code, are amended to read as follows:

12 (a) In this section:

13 (1) "Criminal justice agency" has the meaning assigned
14 by Article 60.01, Code of Criminal Procedure.

15 (2) "Peace officer" has the meaning assigned by
16 Section 1.07, Penal Code.

17 (3) "Detention officer" means a person who is employed
18 to ensure the safekeeping of prisoners and the security of a
19 municipal or county jail.

20 (b) The bureau of identification and records shall
21 establish and maintain a central index in the law enforcement
22 information system maintained by the department to:

23 (1) collect and disseminate information relating to an
24 individual's expression of intent to inflict serious bodily injury

1 or death on a peace officer or detention officer; and

2 (2) alert a peace officer or detention officer of an
3 expression of intent to inflict serious bodily injury or death on
4 the officer.

5 (c) A criminal justice agency, after making each
6 determination required under Subsection (d), shall immediately
7 enter into the information system an electronic report of an
8 individual who expresses an intent to inflict serious bodily injury
9 or death on a peace officer or detention officer. The agency shall
10 enter the information in the form and manner provided by rules
11 adopted by the director.

12 (d) Before entering information collected under this
13 section into the information system, a criminal justice agency must
14 determine that the report described by Subsection (c):

15 (1) is not from an anonymous source; and

16 (2) consists of an expression of intent to inflict
17 serious bodily injury or death on a peace officer or detention
18 officer.

19 (e) On proper inquiry into the information system, the
20 department shall disseminate information collected under this
21 section to a criminal justice agency as reasonably necessary to
22 protect the safety of a peace officer or detention officer. The
23 criminal justice agency may use information disseminated under this
24 subsection in the manner provided by rules adopted by the director.

25 (h) A peace officer, detention officer, or criminal justice
26 agency is not liable for an act or omission relating to the
27 collection, use, or dissemination of information collected under

1 this section in accordance with rules adopted by the director.

2 SECTION 3. The heading to Section 552.108, Government Code,
3 is amended to read as follows:

4 Sec. 552.108. EXCEPTION: CERTAIN LAW ENFORCEMENT,
5 CORRECTIONS, AND PROSECUTORIAL INFORMATION.

6 SECTION 4. Section 552.108(a), Government Code, is amended
7 to read as follows:

8 (a) Information held by a law enforcement agency or
9 prosecutor that deals with the detection, investigation, or
10 prosecution of crime is excepted from the requirements of Section
11 552.021 if:

12 (1) release of the information would interfere with
13 the detection, investigation, or prosecution of crime;

14 (2) it is information that deals with the detection,
15 investigation, or prosecution of crime only in relation to an
16 investigation that did not result in conviction or deferred
17 adjudication;

18 (3) it is information relating to a threat against a
19 peace officer or detention officer collected or disseminated under
20 Section 411.048; or

21 (4) it is information that:

22 (A) is prepared by an attorney representing the
23 state in anticipation of or in the course of preparing for criminal
24 litigation; or

25 (B) reflects the mental impressions or legal
26 reasoning of an attorney representing the state.

27 SECTION 5. This Act takes effect September 1, 2005.

David Newkirk

President of the Senate

Jim Cullin

Speaker of the House

I certify that H.B. No. 1262 was passed by the House on April 19, 2005, by a non-record vote.

Robert Haney
Chief Clerk of the House

I certify that H.B. No. 1262 was passed by the Senate on May 20, 2005, by the following vote: Yeas 31, Nays 0.

Letsy Spaw
Secretary of the Senate

APPROVED: 17 JUNE '05

Date

Rick Peery
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
11:20 AM O'CLOCK

Roger Williams
Secretary of State