

## HB 147 LAYOUT

Mr. Chairman, members: H.B. 147 closes a significant loophole in our public information law that's had tragic consequences for Texas families and Texas transparency.

Our public information law was designed to keep the public informed about what its government is doing, so disclosure is the standard. Any exceptions are meant to be narrow and serve important competing public interests.

Law enforcement records have always been part of that. However, back in 1997, we created an exception designed to protect innocent citizens—if records relate to an investigation that didn't result in a conviction or deferred adjudication, they're exempt from disclosure.

The idea was that citizens targeted by investigations that didn't go anywhere shouldn't have public suspicion cast over them.

The unintended loophole is this: in cases where a person dies, like a police shooting or a death in custody, there's obviously never a conviction or any plea at all. That makes all records about that death confidential *forever*.

That was never the intention of the exception, which was meant to protect the people, not the police.

I don't say that to take anything away from the amazing work our peace officers do, and the vast majority of them are doing nothing wrong. The bottom line, though, is that these records belong to the public. Government transparency is government transparency even when it isn't pretty.

Beyond that, families like the ones you'll hear from today deserve to know what happened to their loved one. And when what happened is wrong, they deserve justice. The unintended consequences of our current law are denying them that closure.

I'll let them tell their own stories, but I do want to point out a few things. First, this bill doesn't change any other existing exceptions. For example, if there's an ongoing investigation or prosecution related to the records, then those are protected from disclosure, the same as they are today.

Second, this isn't something unprecedented. These records were open to the public for more than two decades before this exception was created, and the sky didn't fall then. It won't fall if this bill passes now.

Third, there's language in the bill about internal affairs records. That's there to prevent some departments from using another loophole. Without it, in almost every case, they can withhold the records by saying that an internal investigation revealed no wrongdoing, which is another exception.

However, the intention of the bill isn't to open up all internal affairs records, it's to deal with situations where law enforcement is involved in a death, so we're working with stakeholders on tighter language limited to that. I really appreciate the professionals who respected me and the years of work I've done to support law enforcement enough to talk to me before today about their concerns. I hear those loud and clear, and they have my commitment to resolve that issue.

All this is about is closing a loophole and shining a light on incidents where our government is involved in the loss of a life, which the public and the families affected deserve to have a complete picture of.

With that, I'm happy to answer questions, and I reserve my right to close.

### **HB 147 Layout Close**

I hear and respect the concerns some of our witnesses have testified about, which is why I've already committed to fixing the internal affairs concern. I also know very well that peace officers do an impossible job and face incredible external pressure while they do it, and I'm sensitive to families who might want as much privacy as possible.

Yet I also strongly believe in the principles behind the Public Information Act, which starts by saying this:

Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that government is the servant and not the master of the people, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Members, it's better for the people to know the truth, even if it's ugly and complicated and challenging, than for the truth to be withheld. And in those rare cases we choose differently, it should be through a reasoned, intentional decision, not a mistake.

A mistake is exactly what this bill aims to correct, and I urge you to consider it favorably and send it to Calendars. Thank you.