

**SUBJECT:** Exempting execution drug suppliers from public information requests

**COMMITTEE:** Government Transparency and Operation — committee substitute recommended

**VOTE:** 5 ayes — Elkins, Galindo, Gonzales, Leach, Scott Turner

2 nays — Walle, Gutierrez

**WITNESSES:** For — None

Against — Kelley Shannon, Freedom of Information Foundation of Texas; Stacy Allen, Texas Association of Broadcasters; Amanda Marzullo, Texas Defender Service; Zoe Russell; (*Registered, but did not testify*: Matt Simpson, ACLU of Texas; Kristin Houle, Texas Coalition to Abolish the Death Penalty; Patricia Cummings, Texas Criminal Defense Lawyers Association; Donnis Baggett, Texas Press Association; and five others)

On — Adrienne McFarland and Edward Marshall, Office of the Attorney General; (*Registered, but did not testify*: Sharon Howell, Texas Department of Criminal Justice)

**BACKGROUND:** Government Code, ch. 552, subch. C provides exceptions to the state's public information law. Certain kinds of information, such as information that would threaten the safety of law enforcement or health care personnel, are designated as confidential by this subchapter and therefore not subject to release through public information requests.

Code of Criminal Procedure, art. 43.14 specifies the procedure for executing a convict via lethal injection.

Although few cases have been documented, suppliers of execution drugs have reported threats against their safety, and pharmacies have become reluctant to supply execution drugs because they may be identified through public information requests.

**DIGEST:** CSHB 3846 would exempt from disclosure under the Public Information Act identifying information related to conducting an execution, including information on persons who participated in an execution and persons or entities that provided supplies for an execution. This would include any person or entity that manufactured, transported, tested, procured, compounded, prescribed, dispensed, or provided a substance or supplies to be used in an execution.

The bill also would specify that the names, addresses, and other identifying information of persons or entities who participated in or were involved in manufacturing or providing supplies for an execution would be confidential and excepted from disclosure under the public information law.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015, and would apply to public information requests filed on or after the effective date.