

By: Smithee

H.B. No. 2783

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of litigation costs and attorney fees in certain lawsuits under the public information law.

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

SECTION 1. Section 552.323(a), Government Code, is amended to read as follows:

(a) In an action brought under Section 552.321 or 552.3215, the court shall assess costs of litigation and reasonable attorney fees incurred by a plaintiff who substantially prevails or may assess costs of litigation and reasonable attorney fees incurred by a plaintiff to whom a governmental body voluntarily releases the requested information after filing an answer to the suit, except that the court may not assess those costs and fees against a governmental body if the court finds that the governmental body acted in reasonable reliance on:

(1) a judgment or an order of a court applicable to the governmental body;

(2) the published opinion of an appellate court; or

(3) a written decision of the attorney general, including a decision issued under Subchapter G or an opinion issued under Section 402.042.

SECTION 2. The change in law made by this Act applies only to a suit filed on or after the effective date of this Act. A suit filed before the effective date of this Act is governed by the law

H.B. No. 2783

1 in effect immediately before the effective date of this Act, and
2 that law is continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2017.