

Haynes Boone Helps Secure Government Transparency Wins in Texas Legislature

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Haynes Boone Partner and Media Law Practice Group Chair [Laura Prather](#) helped journalists and free-speech advocates secure important government transparency reforms in the Texas Legislature's recently convened 88th regular session.

Prather represented the Texas Press Association, Texas Association of Broadcasters, and the Freedom of Information Foundation of Texas, which banded together to lead the "Sunshine Coalition" in advocating for and against bills in the 2023 Texas legislative session that impacted the free flow of information. She was assisted by Haynes Boone Associate [Reid Pillifant](#). The Sunshine Coalition is a diverse group of bipartisan organizations that came together for the purpose of strengthening state transparency laws.

"We have had the pleasure of working with stakeholders and lawmakers from both sides of the aisle this session and are thrilled to see the Texas legislature prioritizing increasing government transparency by closing off loopholes in the law and ensuring consistent application of the Texas Public Information Act in the future," Laura said.

In one key victory, Texas Gov. Greg Abbott signed into law a bill that adopts a straightforward definition for "business days," an important reform since Texas law allows the government a certain number of business days to respond to Texas Public Information Act (TPIA) requests. Previously, governmental bodies were given broad latitude in deciding whether they were open for business, for purposes of TPIA requests. Often, the government claimed it was "closed" when its employees worked remotely or when it had only a skeleton crew in the office. This often led to long delays in responding to records requests, particularly during the COVID-19 pandemic.

HB 3033, which becomes effective Sept. 1, 2023, closes the loophole by allowing only limited non-business days, e.g., a Saturdays, Sundays, national holidays and state holidays.

In another win for open-government advocates, Texas enacted a law that closes an exemption to the TPIA that had been used by law enforcement to withhold records when a person dies in police custody or in other interactions with law enforcement. Texas law enforcement had cited the "dead suspect" loophole to withhold public records related to the 2022 shooting at Robb Elementary in Uvalde because the gunman was killed by U.S. Border Patrol agents.

Under the new law, records can no longer be kept secret from the public just because a suspect is dead.

Kelley Shannon, executive director of the nonprofit Freedom of Information Foundation of Texas, called the law "a huge step in protecting the public's right to know."

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lawyers practice in California, Colorado, Illinois, New York, North Carolina, Texas, Virginia, and Washington D.C., as well as London, Mexico City, and Shanghai. Haynes Boone was recognized in the 2022 BTI Consulting Group's "A-Team" report, which identified firms commended by in-house counsel for superior client service and was ranked 14th in *The American Lawyer's* 2023 Diversity Scorecard, which evaluated 228 participating firms by the diversity of their attorney populations. For more information, visit haynesboone.com.