



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 18, 1996

Mr. Robb D. Catalano  
Assistant City Attorney  
City of Dallas  
Municipal Building  
Dallas, Texas 75201

OR96-2423

Dear Mr. Catalano:

You have asked whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102499.

The City of Dallas (the "city") received several requests from multiple requestors, for information about an accident involving an automobile and a number of pedestrians. At least one individual was fatally injured in the accident. You have informed this office that there is pending criminal litigation concerning this accident. You contend that the information requested is excepted from disclosure pursuant to section 552.103 of the Government Code.

We note, initially, that the information submitted to this office includes a motor vehicle accident report. In the past legislative session, the legislature, in House Bill 391, amended article 6701d, V.T.C.S., to provide that a law enforcement agency employing a peace officer who completes an accident report is required to release a copy of the report on request to, among others, a person who provides the law enforcement agency with two or more of the following: (1) the date of the accident, (2) the name of any person involved in the accident, or (3) the specific location of the accident. Act of May 27, 1995, 74th Leg., R.S., ch. 894, § 1, 1995 Tex. Sess. Law Serv. 4413. Since some of the requestors supplied two or more of the required items of information concerning the accident, copies of the motor vehicle accident reports must be supplied to those requestors. A copy of the motor vehicle accident report may not be provided to the requestor who did not supply two of the required items of information.

The information submitted to this office as responsive to the requests also contains front page offense report information. In Open Records Decision No. 597 (1991) at 3, this office stated:

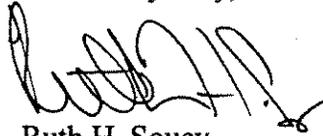
Soon after a suspect is arrested, he is to be brought before a magistrate who must inform him of the nature of the charge against him, and the magistrate must inform him of affidavits filed in regard to the charge. Also, an indictment must be sufficient to give notice of then particular charges against a defendant. In this case, there is no information in the basic offense report that would not have been made known to the defendants either by a magistrate or in an indictment. Because [section 552.103] does not allow a governmental body to withhold the information that has already been made available to the other party in litigation, the basic information in the offense report must be made available to the requestor. (Citations omitted).

Open Records Decision No. 597 (1991) is applicable to the documents at issue. Thus, you must provide the requestor with the information that constitutes front page offense report information. For your convenience, we have enclosed a summary showing the types of information that are generally public as first page offense report information. See also Open Records Decision No. 127 (1976).

As to the other information submitted to this office, we agree that the information may be withheld from disclosure pursuant to section 552.103. To secure the protection of section 552.103, a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). You have shown that litigation is pending, and our review of the information submitted shows that it is related to the litigation.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref.: ID# 102499

Enclosures: Submitted documents  
Summary of Open Records Decision No. 127(1976)

cc: Mr. Barry Sorrels  
2515 McKinney Avenue  
Lock Box 21  
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(w/Summary of Open Records Decision No. 127(1976))

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