



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 19, 1997

Mr. Stuart Messer  
Donley County Attorney Pro Tem  
Messer Law Firm  
220 S. 10th  
Memphis, Texas 79245

OR97-0386

Dear Mr. Messer:

You ask 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# 104237.

Donley County (the "county") received an open records request from an individual incarcerated in a correctional facility. The Texas Legislature recently enacted certain legislation that affects the ability of incarcerated individuals to obtain, under the Open Records Act, information held by governmental entities in Texas. Section 1 of House Bill 949 amended the Open Records Act by adding section 552.027 of the Government Code, which provides as follows:

Sec. 552.027. REQUEST FOR INFORMATION FROM INCARCERATED INDIVIDUAL. (a) A governmental body is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility.

(b) Subsection (a) does not prohibit a governmental body from disclosing to an individual described by that subsection information held by the governmental body pertaining to that individual.

(c) In this section, 'correctional facility' has the meaning assigned by Section 1.07(a), Penal Code.

H.B. 949, 74th Leg., R.S. Section 1.07(a) of the Penal Code provides:

(14) "Correctional facility" means a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense. The term includes:

(A) a municipal or county jail. [Emphasis added.]

The requestor is an inmate of the Donley County Jail. As the individual requesting the information at issue is "an individual who is imprisoned or confined in a correctional facility," the request is subject to section 552.027 of the Government Code. Thus, section 552.027 gives you the discretion to either "comply with" this open records request or deny it in its entirety.

Yours very truly,

A handwritten signature in black ink that reads "Loretta DeHay". The signature is written in a cursive style with a large initial "L".

Loretta R. DeHay  
Assistant Attorney General  
Open Records Division

LRD/rho

Ref.: ID# 104237