



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

June 26, 1998

Mr. Terrence S. Welch  
Vial, Hamilton, Koch & Knox, L.L.P.  
1717 Main Street, Suite 4400  
Dallas, Texas 75201-7388

OR98-1553

Dear Mr. Welch:

On behalf of the City of Flower Mound (the "city"), you ask whether certain information is subject to required public disclosure under the Open Records Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 116317.

The city received a request for a "[l]ist of all simple assault charges recorded in municipal court docket during 1997 calendar year." In response to the request, you submit to this office for review the records which you assert are responsive. You assert that the requested information is excepted from required public disclosure by section 552.103 of the Government Code. You also argue that the requested records need not be disclosed under the act, because they are records of the judiciary. We have considered the exception and arguments you raise and reviewed the information at issue.

You argue that the requested records, "recorded in municipal court," need not be disclosed under the act, since they are records of the judiciary. We agree. The act does not apply to records of the judiciary. Gov't Code § 552.003(B). Therefore, the requested municipal court records maintained by the court need not be released under the act. Attorney General Opinion DM-166 (1992). As records of the judiciary, however, the information may be public by other sources of law. Attorney General Opinions DM-166 (1992) at 2-3 (public has general right to inspect and copy judicial records), H-826 (1976); Open Records Decision No. 25 (1974); *see Star-Telegram, Inc. v. Walker*, 834 S.W.2d 54, 57 (Tex. 1992) (documents filed with courts are generally considered public and must be released).<sup>1</sup>

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<sup>1</sup>Additionally, the records may be subject to disclosure under statutory law governing municipal courts. *See* Gov't Code § 29.007(d)(4) (complaints filed with municipal court clerk); *id.* § 29.007(f) (municipal court clerks shall perform duties prescribed by law for county court clerk); Local Gov't Code § 191.006 (records belonging to office of county clerk shall be open to public unless access restricted by law or court order).

Because we are able to resolve this matter under section 552.003, we need not address your other arguments against disclosure. We are resolving this matter with this 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 may 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,

  
Sam Haddad  
Assistant Attorney General  
Open Records Division

SH/rho

Ref.: ID# 116317

Enclosures: Submitted information

cc: Ms. Bonnie Randall  
2809 Dickens Lane  
Flower Mound, Texas 75028  
(w/o enclosures)