



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 22, 2010

Lieutenant Carol Taylor
Commander - Communications/Records
Taylor County Sheriff's Office
910 South 27th Street
Abilene, Texas 79602-6899

OR2010-14387

Dear Lt. Taylor:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 394512.

The Taylor County Sheriff's Office (the "sheriff") received a request for a stolen vehicle report from 2004 involving a named individual. You claim the submitted information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

Section 552.108(a)(1) of the Government Code excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime ... if ... release of the information would interfere with the detection, investigation, or prosecution of crime[.]" Gov't Code § 552.108(a)(1). A governmental body claiming an exception to disclosure under section 552.108 must reasonably explain how and why the exception it claims is applicable to the information the governmental body seeks to withhold. *See id.* § 552.301(e)(1)(A); *see also Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977). You state the submitted information pertains to an open case that has not yet resulted in a conviction nor a deferred adjudication. We note, however, the submitted information pertains to thefts that occurred on August 20, 2004, and September 13, 2004. You state the sheriff received this request for information on July 9, 2010. The longest possible statute of limitations for theft is five years. *See* Crim. Proc. Code art. 12.01(4)(A) (indictment for felony theft may be presented within five years from date of commission of the offense, and not afterward). Thus, the limitations period had passed for these offenses

when the sheriff received the present request. You have not informed this office that any criminal charges were filed within the limitations period. Furthermore, you have not otherwise explained how release of the submitted information would interfere with the detection, investigation, or prosecution of crime. Thus, the submitted information may not be withheld under section 552.108(a)(1) of the Government Code.

We note a portion of the information is subject to section 552.130 of the Government Code, which provides that information relating to a motor vehicle operator's license, driver's license, motor vehicle title, or registration issued by a Texas agency is excepted from public release.¹ Gov't Code § 552.130(a)(1), (2). Accordingly, the sheriff must withhold the Texas motor vehicle record information we have marked under section 552.130.² As you raise no other exceptions to disclosure, the remaining information must be released.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



Mack T. Harrison
Assistant Attorney General
Open Records Division

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¹The Office of the Attorney General will raise a mandatory exception on behalf of a governmental body, but ordinarily will not raise other exceptions. See Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

²We note this office recently issued Open Records Decision No. 684 (2009), a previous determination to all governmental bodies authorizing them to withhold ten categories of information, including Texas driver's license numbers and Texas license plate numbers under section 552.130 of the Government Code, without the necessity of requesting an attorney general decision.

Ref: ID# 394512

Enc. Submitted documents

c: Requestor
(w/o enclosures)