



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

March 9, 2015

Mr. Caleb Thornton
Assistant County Attorney
County of Montgomery
501 North Thompson, Suite 300
Conroe, Texas 77301

OR2015-04468

Dear Mr. Thornton:

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# 556069 (ORR File 14PIA0649).

The Montgomery County Constable Precinct 4 (the "constable's office") received a request for information pertaining to a specified incident. The constable's office states it has released some of the requested information, but claims the submitted information is excepted from disclosure under section 552.1085 of the Government Code. We have considered the claimed exception and reviewed the submitted information.

Section 552.1085(c) of the Government Code provides the following:

A sensitive crime scene image in the custody of a governmental body is confidential and excepted from the requirements of Section 552.021 and a governmental body may not permit a person to view or copy the image except as provided by this section. This section applies to any sensitive crime scene image regardless of the date that the image was taken or recorded.

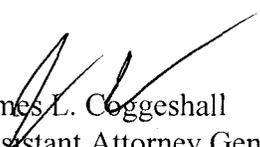
Gov't Code § 552.1085(c). For purposes of section 552.1085, "sensitive crime scene image" means "a photograph or video recording taken at a crime scene, contained in or part of a closed criminal case, that depicts a deceased person in a state of dismemberment, decapitation, or similar mutilation or that depicts the deceased person's genitalia." *See id.*

§ 552.1085(a)(6). You state the submitted photographs consist of sensitive crime scene images that were taken at a crime scene as part of a criminal case that is now closed. Upon review, we find the submitted photographs do not consist of sensitive crime scene images for purposes of section 552.1085. Therefore, the constable's office may not withhold any of the submitted information on that ground. Accordingly, the constable's office must release the submitted information to the requestor.

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.texasattorneygeneral.gov/open/orl_ruling_info.shtml, 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 may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,



James L. Coggeshall
Assistant Attorney General
Open Records Division

JLC/cbz

Ref: ID# 556069

Enc. Submitted documents

c: Requestor
(w/o enclosures)