

By: Moody

H.B. No. 1385

A BILL TO BE ENTITLED

AN ACT

relating to access to criminal history record information by county offices providing pretrial release services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 411.083(b) and (c), Government Code, are amended to read as follows:

(b) The department shall grant access to criminal history record information to:

(1) criminal justice agencies;

(2) noncriminal justice agencies authorized by federal statute or executive order or by state statute to receive criminal history record information;

(3) the person who is the subject of the criminal history record information;

(4) a person working on a research or statistical project that:

(A) is funded in whole or in part by state funds;

or

(B) meets the requirements of Part 22, Title 28, Code of Federal Regulations, and is approved by the department;

(5) an individual or an agency that has a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice under that agreement, if the agreement:

1 (A) specifically authorizes access to
2 information;

3 (B) limits the use of information to the purposes
4 for which it is given;

5 (C) ensures the security and confidentiality of
6 the information;

7 (D) provides for sanctions if a requirement
8 imposed under Paragraph (A), (B), or (C) is violated; and

9 (E) requires the individual or agency to perform
10 the applicable services in a manner prescribed by the department;

11 (6) an individual or an agency that has a specific
12 agreement with a noncriminal justice agency to provide services
13 related to the use of criminal history record information
14 disseminated under this subchapter, if the agreement:

15 (A) specifically authorizes access to
16 information;

17 (B) limits the use of information to the purposes
18 for which it is given;

19 (C) ensures the security and confidentiality of
20 the information;

21 (D) provides for sanctions if a requirement
22 imposed under Paragraph (A), (B), or (C) is violated; and

23 (E) requires the individual or agency to perform
24 the applicable services in a manner prescribed by the department;

25 (7) a county or district clerk's office; ~~and~~

26 (8) a county office monitoring the pretrial release of
27 a defendant, including:

1 (A) a community supervision and corrections
2 department established for one or more counties under Chapter 76;
3 or

4 (B) a personal bond office established for one or
5 more counties under Article 17.42, Code of Criminal Procedure; and

6 (9) the Office of Court Administration of the Texas
7 Judicial System.

8 (c) The department may disseminate criminal history record
9 information under Subsection (b)(1) only for a criminal justice
10 purpose. The department may disseminate criminal history record
11 information under Subsection (b)(2) only for a purpose specified in
12 the statute or order. The department may disseminate criminal
13 history record information under Subsection (b)(4), (5), or (6)
14 only for a purpose approved by the department and only under rules
15 adopted by the department. The department may disseminate criminal
16 history record information under Subsection (b)(7) only to the
17 extent necessary for a county or district clerk to perform a duty
18 imposed by law to collect and report criminal court disposition
19 information. Criminal history record information disseminated to a
20 clerk under Subsection (b)(7) may be used by the clerk only to
21 ensure that information reported by the clerk to the department is
22 accurate and complete. The dissemination of information to a clerk
23 under Subsection (b)(7) does not affect the authority of the clerk
24 to disclose or use information submitted by the clerk to the
25 department. The department may disseminate criminal history record
26 information under Subsection (b)(8) only to the extent necessary
27 for a county office to perform a duty imposed by law to monitor the

1 pretrial release of a defendant. The department may disseminate
2 criminal history record information under Subsection (b)(9)
3 [~~(b)(8)~~] only to the extent necessary for the office of court
4 administration to perform a duty imposed by law, including the
5 development and maintenance of the public safety report system as
6 required by Article 17.021, Code of Criminal Procedure, or to
7 compile court statistics or prepare reports. The office of court
8 administration may disclose criminal history record information
9 obtained from the department under Subsection (b)(9) [~~(b)(8)~~]:

10 (1) in a public safety report prepared under Article
11 17.022, Code of Criminal Procedure; or

12 (2) in a statistic compiled by the office or a report
13 prepared by the office, but only in a manner that does not identify
14 the person who is the subject of the information.

15 SECTION 2. This Act takes effect September 1, 2023.