

1-1 By: Moody (Senate Sponsor - King) H.B. No. 1385
 1-2 (In the Senate - Received from the House May 8, 2023;
 1-3 May 9, 2023, read first time and referred to Committee on Criminal
 1-4 Justice; May 19, 2023, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

| | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7 | | | | |
| 1-8 | X | | | |
| 1-9 | X | | | |
| 1-10 | X | | | |
| 1-11 | X | | | |
| 1-12 | X | | | |
| 1-13 | X | | | |
| 1-14 | X | | | |

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to access to criminal history record information by county
 1-18 offices providing pretrial release services.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 411.083(b) and (c), Government Code,
 1-21 are amended to read as follows:

1-22 (b) The department shall grant access to criminal history
 1-23 record information to:

1-24 (1) criminal justice agencies;

1-25 (2) noncriminal justice agencies authorized by
 1-26 federal statute or executive order or by state statute to receive
 1-27 criminal history record information;

1-28 (3) the person who is the subject of the criminal
 1-29 history record information;

1-30 (4) a person working on a research or statistical
 1-31 project that:

1-32 (A) is funded in whole or in part by state funds;

1-33 or

1-34 (B) meets the requirements of Part 22, Title 28,
 1-35 Code of Federal Regulations, and is approved by the department;

1-36 (5) an individual or an agency that has a specific
 1-37 agreement with a criminal justice agency to provide services
 1-38 required for the administration of criminal justice under that
 1-39 agreement, if the agreement:

1-40 (A) specifically authorizes access to
 1-41 information;

1-42 (B) limits the use of information to the purposes
 1-43 for which it is given;

1-44 (C) ensures the security and confidentiality of
 1-45 the information;

1-46 (D) provides for sanctions if a requirement
 1-47 imposed under Paragraph (A), (B), or (C) is violated; and

1-48 (E) requires the individual or agency to perform
 1-49 the applicable services in a manner prescribed by the department;

1-50 (6) an individual or an agency that has a specific
 1-51 agreement with a noncriminal justice agency to provide services
 1-52 related to the use of criminal history record information
 1-53 disseminated under this subchapter, if the agreement:

1-54 (A) specifically authorizes access to
 1-55 information;

1-56 (B) limits the use of information to the purposes
 1-57 for which it is given;

1-58 (C) ensures the security and confidentiality of
 1-59 the information;

1-60 (D) provides for sanctions if a requirement
 1-61 imposed under Paragraph (A), (B), or (C) is violated; and

2-1 (E) requires the individual or agency to perform
 2-2 the applicable services in a manner prescribed by the department;
 2-3 (7) a county or district clerk's office; ~~and~~
 2-4 (8) a county office monitoring the pretrial release of
 2-5 a defendant, including:
 2-6 (A) a community supervision and corrections
 2-7 department established for one or more counties under Chapter 76;
 2-8 or
 2-9 (B) a personal bond office established for one or
 2-10 more counties under Article 17.42, Code of Criminal Procedure; and
 2-11 (9) the Office of Court Administration of the Texas
 2-12 Judicial System.

2-13 (c) The department may disseminate criminal history record
 2-14 information under Subsection (b)(1) or (8) only for a criminal
 2-15 justice purpose. The department may disseminate criminal history
 2-16 record information under Subsection (b)(2) only for a purpose
 2-17 specified in the statute or order. The department may disseminate
 2-18 criminal history record information under Subsection (b)(4), (5),
 2-19 or (6) only for a purpose approved by the department and only under
 2-20 rules adopted by the department. The department may disseminate
 2-21 criminal history record information under Subsection (b)(7) only to
 2-22 the extent necessary for a county or district clerk to perform a
 2-23 duty imposed by law to collect and report criminal court
 2-24 disposition information. Criminal history record information
 2-25 disseminated to a clerk under Subsection (b)(7) may be used by the
 2-26 clerk only to ensure that information reported by the clerk to the
 2-27 department is accurate and complete. The dissemination of
 2-28 information to a clerk under Subsection (b)(7) does not affect the
 2-29 authority of the clerk to disclose or use information submitted by
 2-30 the clerk to the department. The department may disseminate
 2-31 criminal history record information under Subsection (b)(9)
 2-32 ~~[(b)(8)]~~ only to the extent necessary for the office of court
 2-33 administration to perform a duty imposed by law, including the
 2-34 development and maintenance of the public safety report system as
 2-35 required by Article 17.021, Code of Criminal Procedure, or to
 2-36 compile court statistics or prepare reports. The office of court
 2-37 administration may disclose criminal history record information
 2-38 obtained from the department under Subsection (b)(9) ~~[(b)(8)]~~:

2-39 (1) in a public safety report prepared under Article
 2-40 17.022, Code of Criminal Procedure; or

2-41 (2) in a statistic compiled by the office or a report
 2-42 prepared by the office, but only in a manner that does not identify
 2-43 the person who is the subject of the information.

2-44 SECTION 2. This Act takes effect September 1, 2023.

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