

By: Bettencourt

S.B. No. 1973

A BILL TO BE ENTITLED

AN ACT

relating to criminal history record information for certain special master, magistrate, referee, or other court official applicants appointed or employed by state judges.

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

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter A to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 54.001. CRIMINAL HISTORY RECORD INFORMATION

REQUIREMENTS FOR CERTAIN APPLICANTS. (a) This section applies to an applicant seeking appointment or employment under this chapter in a court of this state as a special master, magistrate, referee, or other court official who assesses or determines the eligibility or amount of bail for a criminal defendant.

(b) A court shall require an applicant for a position described by Subsection (a) to submit a complete and legible set of fingerprints, on a form prescribed by the Office of Court Administration of the Texas Judicial System, to the court or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(c) A court may not appoint or employ an applicant for a position described by Subsection (a) unless the court conducts a criminal history record check of the applicant using information:

1           (1) provided by the applicant under this section; and

2           (2) made available to the court by the Department of  
3 Public Safety, the Federal Bureau of Investigation, and any other  
4 criminal justice agency under Subchapter F, Chapter 411.

5           (d) A court may:

6           (1) enter into an agreement with the Department of  
7 Public Safety to administer criminal history record checks required  
8 under this section; and

9           (2) authorize the Department of Public Safety to  
10 collect from each applicant the costs incurred by the department in  
11 conducting the criminal history record check.

12           SECTION 2. Subchapter F, Chapter 411, Government Code, is  
13 amended by adding Section 411.14085 to read as follows:

14           Sec. 411.14085. ACCESS TO CRIMINAL HISTORY RECORD  
15 INFORMATION: COURTS WITH CRIMINAL JURISDICTION. (a) A district  
16 court, constitutional county court, statutory county court,  
17 justice court, or municipal court with jurisdiction over criminal  
18 cases is entitled to obtain from the department as authorized under  
19 Section 54.001 criminal history record information maintained by  
20 the department that relates to an applicant for appointment or  
21 employment as a special master, magistrate, referee, or other court  
22 official who assesses or determines the eligibility or amount of  
23 bail for a criminal defendant for that court.

24           (b) Criminal history record information obtained by the  
25 court under Subsection (a) may be used only to evaluate an  
26 applicant.

27           (c) The court may not release or disclose information

1 obtained under Subsection (a) except with the consent of the person  
2 who is the subject of the criminal history record information.

3 (d) After the expiration of any probationary term of the  
4 person's appointment or employment, the court shall destroy all  
5 criminal history record information obtained under Subsection (a).

6 SECTION 3. This Act takes effect September 1, 2023.