

1-1 By: Bettencourt S.B. No. 1973
 1-2 (In the Senate - Filed March 8, 2023; March 21, 2023, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 12, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 12, 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 criminal history record information for certain special
 1-18 master, magistrate, referee, or other court official applicants
 1-19 appointed or employed by state judges.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 54, Government Code, is amended by
 1-22 adding Subchapter A to read as follows:

1-23 SUBCHAPTER A. GENERAL PROVISIONS

1-24 Sec. 54.001. CRIMINAL HISTORY RECORD INFORMATION
 1-25 REQUIREMENTS FOR CERTAIN APPLICANTS. (a) This section applies to
 1-26 an applicant seeking appointment or employment under this chapter
 1-27 in a court of this state as a special master, magistrate, referee,
 1-28 or other court official who assesses or determines the eligibility
 1-29 or amount of bail for a criminal defendant.

1-30 (b) A court shall require an applicant for a position
 1-31 described by Subsection (a) to submit a complete and legible set of
 1-32 fingerprints, on a form prescribed by the Office of Court
 1-33 Administration of the Texas Judicial System, to the court or to the
 1-34 Department of Public Safety for the purpose of obtaining criminal
 1-35 history record information from the Department of Public Safety and
 1-36 the Federal Bureau of Investigation.

1-37 (c) A court may not appoint or employ an applicant for a
 1-38 position described by Subsection (a) unless the court conducts a
 1-39 criminal history record check of the applicant using information:

- 1-40 (1) provided by the applicant under this section; and
- 1-41 (2) made available to the court by the Department of
 1-42 Public Safety, the Federal Bureau of Investigation, and any other
 1-43 criminal justice agency under Subchapter F, Chapter 411.

1-44 (d) A court may:

- 1-45 (1) enter into an agreement with the Department of
 1-46 Public Safety to administer criminal history record checks required
 1-47 under this section; and
- 1-48 (2) authorize the Department of Public Safety to
 1-49 collect from each applicant the costs incurred by the department in
 1-50 conducting the criminal history record check.

1-51 SECTION 2. Subchapter F, Chapter 411, Government Code, is
 1-52 amended by adding Section 411.14085 to read as follows:

1-53 Sec. 411.14085. ACCESS TO CRIMINAL HISTORY RECORD
 1-54 INFORMATION: COURTS WITH CRIMINAL JURISDICTION. (a) A district
 1-55 court, constitutional county court, statutory county court,
 1-56 justice court, or municipal court with jurisdiction over criminal
 1-57 cases is entitled to obtain from the department as authorized under
 1-58 Section 54.001 criminal history record information maintained by
 1-59 the department that relates to an applicant for appointment or
 1-60 employment as a special master, magistrate, referee, or other court
 1-61 official who assesses or determines the eligibility or amount of

2-1 bail for a criminal defendant for that court.

2-2 (b) Criminal history record information obtained by the
2-3 court under Subsection (a) may be used only to evaluate an
2-4 applicant.

2-5 (c) The court may not release or disclose information
2-6 obtained under Subsection (a) except with the consent of the person
2-7 who is the subject of the criminal history record information.

2-8 (d) After the expiration of any probationary term of the
2-9 person's appointment or employment, the court shall destroy all
2-10 criminal history record information obtained under Subsection (a).

2-11 SECTION 3. This Act takes effect September 1, 2023.

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