

By: Allen

H.B. No. 1190

A BILL TO BE ENTITLED

AN ACT

relating to the interagency exchange of information regarding certain offenders.

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

SECTION 1. Section 614.017(a), Health and Safety Code, is amended to read as follows:

(a) An agency shall ~~may~~:

(1) accept information ~~[receive information]~~ relating to a special needs offender that is sent to the agency to serve the purposes of this chapter regardless of whether other state law makes that information confidential~~[, if the agency receives the information to further the purposes of this chapter]~~; and ~~[or]~~

(2) disclose information relating to a special needs offender, including information about the offender's identity, needs, treatment, social, criminal, and vocational history, supervision status and compliance with conditions of supervision, and medical and mental health history, if the disclosure serves ~~[agency discloses the information to further]~~ the purposes of this chapter.

SECTION 2. Section 614.017(c)(1), Health and Safety Code, is amended to read as follows:

(1) "Agency" includes any of the following entities and individuals, a person with an agency relationship with one of the following entities or individuals, and a person who contracts

1 with one or more of the following entities or individuals:

2 (A) [~~the institutional division of~~] the Texas  
3 Department of Criminal Justice;

4 (B) the Board of Pardons and Paroles [~~the pardons  
5 and paroles division of the Texas Department of Criminal Justice~~];

6 (C) [~~the community justice assistance division  
7 of the Texas Department of Criminal Justice~~];

8 [~~(D) the state jail division of the Texas  
9 Department of Criminal Justice~~];

10 [~~(E)~~] the Texas Department of Mental Health and  
11 Mental Retardation;

12 (D) [~~(F)~~] the Texas Juvenile Probation  
13 Commission;

14 (E) [~~(G)~~] the Texas Youth Commission;

15 (F) [~~(H)~~] the Texas Rehabilitation Commission;

16 (G) [~~(I)~~] the Texas Education Agency;

17 (H) [~~(J)~~] the Criminal Justice Policy Council;

18 (I) [~~(K)~~] the Texas Commission on Alcohol and  
19 Drug Abuse;

20 (J) [~~(L)~~] the Commission on Jail Standards;

21 (K) [~~(M)~~] the Texas Department of Human  
22 Services;

23 (L) [~~(N)~~] the Texas Department on Aging;

24 (M) [~~(O)~~] the Texas School for the Blind and  
25 Visually Impaired;

26 (N) [~~(P)~~] the Texas Department of Health;

27 (O) [~~(Q)~~] the Texas Commission for the Deaf and

1 Hard of Hearing;

2 (P) [~~(R)~~] community supervision and corrections  
3 departments;

4 (Q) [~~(S)~~] personal bond pretrial release offices  
5 established under Article 17.42, Code of Criminal Procedure;

6 (R) [~~(T)~~] local jails regulated by the  
7 Commission on Jail Standards;

8 (S) [~~(U)~~] a municipal or county health  
9 department;

10 (T) [~~(V)~~] a hospital district;

11 (U) [~~(W)~~] a judge of this state with jurisdiction  
12 over criminal cases; and

13 (V) [~~(X)~~] an attorney who is appointed or  
14 retained to represent a special needs offender.

15 SECTION 3. Section 508.313(c), Government Code, is amended  
16 to read as follows:

17 (c) The department, on request or in the normal course of  
18 official business, shall [~~may~~] provide information that is  
19 confidential and privileged under Subsection (a) to:

20 (1) the governor;

21 (2) a member of the board;

22 (3) the Criminal Justice Policy Council in performing  
23 duties of the council under Section 413.017; or

24 (4) an eligible entity requesting information for a  
25 law enforcement, prosecutorial, correctional, clemency, or  
26 treatment purpose.

27 SECTION 4. If the Act of the 78th Legislature, Regular

1 Session, 2003, relating to nonsubstantive additions to and  
2 corrections in enacted codes takes effect, Sections 109.002,  
3 109.051, 109.052, and 109.053, Occupations Code, are amended to  
4 read as follows:

5 Sec. 109.002. PURPOSE OF RELEASING INFORMATION. A person  
6 who is required [~~authorized~~] by this chapter to release or obtain  
7 information may do so only for the administration of criminal  
8 justice.

9 Sec. 109.051. RELEASE BY PERSONS PROVIDING MENTAL HEALTH OR  
10 MEDICAL SERVICES. (a) Information concerning the treatment of a  
11 sex offender may be released by a person who:

12 (1) is licensed or certified in this state to provide  
13 mental health or medical services, including a:

- 14 (A) physician;  
15 (B) psychiatrist;  
16 (C) psychologist;  
17 (D) licensed professional counselor;  
18 (E) licensed marriage and family therapist; or  
19 (F) social worker; and

20 (2) while licensed or certified, provides or provided  
21 mental health or medical services for the rehabilitation of sex  
22 offenders.

23 (b) Notwithstanding Subtitle B, Title 3, of this code or  
24 Chapter 611, Health and Safety Code, a person described by  
25 Subsection (a), on request or in the normal course of business,  
26 shall [~~may~~] release information concerning the treatment of a sex  
27 offender to:

- (1) another person described by Subsection (a);
- (2) a criminal justice agency; or
- (3) a local law enforcement authority.

Sec. 109.052. RELEASE BY CRIMINAL JUSTICE AGENCY. A criminal justice agency, on request or in the normal course of official business, shall ~~may~~ release information concerning the treatment of a sex offender to:

- (1) another criminal justice agency;
- (2) a local law enforcement authority; or
- (3) a person described by Section 109.051(a).

Sec. 109.053. RELEASE BY LOCAL LAW ENFORCEMENT AUTHORITY. A local law enforcement authority, on request or in the normal course of official business, shall ~~may~~ release information concerning the treatment of a sex offender to:

- (1) another local law enforcement authority;
- (2) a criminal justice agency; or
- (3) a person described by Section 109.051(a).

SECTION 5. If the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes does not take effect, Sections 2, 3, and 4, Article 4512g-1, Revised Statutes, are amended to read as follows:

Sec. 2. RELEASE OF INFORMATION. (a) Notwithstanding Chapter 611, Health and Safety Code, or Chapter 159, Occupations Code ~~[the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes)]~~, a person described by Section 4 of this article, on request or in the normal course of official business, shall ~~may~~

1 release information concerning the treatment of a sex offender to:

- 2 (1) a criminal justice agency;
- 3 (2) a local law enforcement authority; or
- 4 (3) any other person described by Section 4 of this
- 5 article.

6 (b) A criminal justice agency, on request or in the normal  
7 course of official business, shall ~~may~~ release information  
8 concerning the treatment of a sex offender to:

- 9 (1) another criminal justice agency;
- 10 (2) a local law enforcement authority; or
- 11 (3) a person described by Section 4 of this article.

12 (c) A local law enforcement authority, on request or in the  
13 normal course of official business, shall ~~may~~ release information  
14 concerning the treatment of a sex offender to:

- 15 (1) another law enforcement authority;
- 16 (2) a criminal justice agency; or
- 17 (3) a person described by Section 4 of this article.

18 Sec. 3. PURPOSE OF RELEASE. A person who is required  
19 ~~authorized~~ by this article to release or obtain information may  
20 do so only for the administration of criminal justice.

21 Sec. 4. RELEASE OF INFORMATION BY PERSONS PROVIDING MENTAL  
22 HEALTH OR MEDICAL SERVICES. (a) A person listed in Subsection (b),  
23 on request or in the normal course of business, shall release  
24 information ~~Information~~ concerning the treatment of a sex  
25 offender to ~~may be released by a person who~~:

- 26 (1) a criminal justice agency;
- 27 (2) a local law enforcement authority; or

1           (3) another person listed in Subsection (b).

2           (b) This section applies to a person who:

3           (1) is licensed or certified in this state to provide  
4 mental health or medical services, including a:

5                   (A) physician;

6                   (B) psychiatrist;

7                   (C) psychologist;

8                   (D) licensed professional counselor;

9                   (E) licensed marriage and family therapist; or

10                   (F) certified social worker; and

11           (2) while licensed or certified, provides or provided  
12 mental health or medical services for the rehabilitation of sex  
13 offenders.

14           SECTION 6. Section 614.017(b), Health and Safety Code, is  
15 repealed.

16           SECTION 7. This Act takes effect September 1, 2003.