

1-1 By: Duncan S.B. No. 519  
1-2 (In the Senate - Filed February 17, 2003; February 19, 2003,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 March 10, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 4, Nays 0; March 10, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 519 By: Hinojosa

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the interagency exchange of information regarding  
1-11 certain offenders.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 614.017, Health and  
1-14 Safety Code, is amended to read as follows:

1-15 (a) An agency shall ~~[may]~~:

1-16 (1) accept ~~[receive]~~ information relating to a special  
1-17 needs offender that is sent to the agency to serve the purposes of  
1-18 this chapter regardless of whether other state law makes that  
1-19 information confidential~~[, if the agency receives the information~~  
1-20 ~~to further the purposes of this chapter]; and ~~[or]~~~~

1-21 (2) disclose information relating to a special needs  
1-22 offender, including information about the offender's identity,  
1-23 needs, treatment, social, criminal, and vocational history,  
1-24 supervision status and compliance with conditions of supervision,  
1-25 and medical and mental health history, if the disclosure serves  
1-26 ~~[agency discloses the information to further]~~ the purposes of this  
1-27 chapter.

1-28 SECTION 2. Subdivision (1), Subsection (c), Section  
1-29 614.017, Health and Safety Code, is amended to read as follows:

1-30 (1) "Agency" includes any of the following entities  
1-31 and individuals, a person with an agency relationship with one of  
1-32 the following entities or individuals, and a person who contracts  
1-33 with one or more of the following entities or individuals:

1-34 (A) ~~[the institutional division of]~~ the Texas  
1-35 Department of Criminal Justice;

1-36 (B) ~~the Board of Pardons and Paroles [the pardons~~  
1-37 ~~and paroles division of the Texas Department of Criminal Justice];~~

1-38 (C) ~~[the community justice assistance division~~  
1-39 ~~of the Texas Department of Criminal Justice,~~

1-40 ~~[(D) the state jail division of the Texas~~  
1-41 ~~Department of Criminal Justice,~~

1-42 ~~[(E)]~~ the Texas Department of Mental Health and  
1-43 Mental Retardation;

1-44 (D) ~~[(F)]~~ the Texas Juvenile Probation  
1-45 Commission;

1-46 (E) ~~[(G)]~~ the Texas Youth Commission;

1-47 (F) ~~[(H)]~~ the Texas Rehabilitation Commission;

1-48 (G) ~~[(I)]~~ the Texas Education Agency;

1-49 (H) ~~[(J)]~~ the Criminal Justice Policy Council;

1-50 (I) ~~[(K)]~~ the Texas Commission on Alcohol and  
1-51 Drug Abuse;

1-52 (J) ~~[(L)]~~ the Commission on Jail Standards;

1-53 (K) ~~[(M)]~~ the Texas Department of Human  
1-54 Services;

1-55 (L) ~~[(N)]~~ the Texas Department on Aging;

1-56 (M) ~~[(O)]~~ the Texas School for the Blind and  
1-57 Visually Impaired;

1-58 (N) ~~[(P)]~~ the Texas Department of Health;

1-59 (O) ~~[(Q)]~~ the Texas Commission for the Deaf and  
1-60 Hard of Hearing;

1-61 (P) ~~[(R)]~~ community supervision and corrections  
1-62 departments;

1-63 (Q) ~~[(S)]~~ personal bond pretrial release offices

2-1 established under Article 17.42, Code of Criminal Procedure;  
2-2 (R) [~~(T)~~] local jails regulated by the  
2-3 Commission on Jail Standards;  
2-4 (S) [~~(U)~~] a municipal or county health  
2-5 department;  
2-6 (T) [~~(V)~~] a hospital district;  
2-7 (U) [~~(W)~~] a judge of this state with jurisdiction  
2-8 over criminal cases; and  
2-9 (V) [~~(X)~~] an attorney who is appointed or  
2-10 retained to represent a special needs offender.

2-11 SECTION 3. Subsection (c), Section 508.313, Government  
2-12 Code, is amended to read as follows:

2-13 (c) The department, on request or in the normal course of  
2-14 official business, shall [~~may~~] provide information that is  
2-15 confidential and privileged under Subsection (a) to:

- 2-16 (1) the governor;
- 2-17 (2) a member of the board;
- 2-18 (3) the Criminal Justice Policy Council in performing  
2-19 duties of the council under Section 413.017; or
- 2-20 (4) an eligible entity requesting information for a  
2-21 law enforcement, prosecutorial, correctional, clemency, or  
2-22 treatment purpose.

2-23 SECTION 4. If the Act of the 78th Legislature, Regular  
2-24 Session, 2003, relating to nonsubstantive additions to and  
2-25 corrections in enacted codes takes effect, Sections 109.002,  
2-26 109.051, 109.052, and 109.053, Occupations Code, are amended to  
2-27 read as follows:

2-28 Sec. 109.002. PURPOSE OF RELEASING INFORMATION. A person  
2-29 who is required [~~authorized~~] by this chapter to release or obtain  
2-30 information may do so only for the administration of criminal  
2-31 justice.

2-32 Sec. 109.051. RELEASE BY PERSONS PROVIDING MENTAL HEALTH OR  
2-33 MEDICAL SERVICES. (a) Information concerning the treatment of a  
2-34 sex offender may be released by a person who:

- 2-35 (1) is licensed or certified in this state to provide  
2-36 mental health or medical services, including a:
  - 2-37 (A) physician;
  - 2-38 (B) psychiatrist;
  - 2-39 (C) psychologist;
  - 2-40 (D) licensed professional counselor;
  - 2-41 (E) licensed marriage and family therapist; or
  - 2-42 (F) social worker; and
- 2-43 (2) while licensed or certified, provides or provided  
2-44 mental health or medical services for the rehabilitation of sex  
2-45 offenders.

2-46 (b) Notwithstanding Subtitle B, Title 3, of this code or  
2-47 Chapter 611, Health and Safety Code, a person described by  
2-48 Subsection (a), on request or in the normal course of business,  
2-49 shall [~~may~~] release information concerning the treatment of a sex  
2-50 offender to:

- 2-51 (1) another person described by Subsection (a);
- 2-52 (2) a criminal justice agency; or
- 2-53 (3) a local law enforcement authority.

2-54 Sec. 109.052. RELEASE BY CRIMINAL JUSTICE AGENCY. A  
2-55 criminal justice agency, on request or in the normal course of  
2-56 official business, shall [~~may~~] release information concerning the  
2-57 treatment of a sex offender to:

- 2-58 (1) another criminal justice agency;
- 2-59 (2) a local law enforcement authority; or
- 2-60 (3) a person described by Section 109.051(a).

2-61 Sec. 109.053. RELEASE BY LOCAL LAW ENFORCEMENT AUTHORITY.  
2-62 A local law enforcement authority, on request or in the normal  
2-63 course of official business, shall [~~may~~] release information  
2-64 concerning the treatment of a sex offender to:

- 2-65 (1) another local law enforcement authority;
- 2-66 (2) a criminal justice agency; or
- 2-67 (3) a person described by Section 109.051(a).

2-68 SECTION 5. If the Act of the 78th Legislature, Regular  
2-69 Session, 2003, relating to nonsubstantive additions to and

3-1 corrections in enacted codes does not take effect, Sections 2, 3,  
3-2 and 4, Article 4512g-1, Revised Statutes, are amended to read as  
3-3 follows:

3-4 Sec. 2. RELEASE OF INFORMATION. (a) Notwithstanding  
3-5 Chapter 611, Health and Safety Code, or Chapter 159, Occupations  
3-6 Code [~~the Medical Practice Act (Article 4495b, Vernon's Texas Civil~~  
3-7 ~~Statutes)~~], a person described by Section 4 of this article, on  
3-8 request or in the normal course of official business, shall [may]  
3-9 release information concerning the treatment of a sex offender to:

- 3-10 (1) a criminal justice agency;
- 3-11 (2) a local law enforcement authority; or
- 3-12 (3) any other person described by Section 4 of this

3-13 article.  
3-14 (b) A criminal justice agency, on request or in the normal  
3-15 course of official business, shall [may] release information  
3-16 concerning the treatment of a sex offender to:

- 3-17 (1) another criminal justice agency;
- 3-18 (2) a local law enforcement authority; or
- 3-19 (3) a person described by Section 4 of this article.

3-20 (c) A local law enforcement authority, on request or in the  
3-21 normal course of official business, shall [may] release information  
3-22 concerning the treatment of a sex offender to:

- 3-23 (1) another law enforcement authority;
- 3-24 (2) a criminal justice agency; or
- 3-25 (3) a person described by Section 4 of this article.

3-26 Sec. 3. PURPOSE OF RELEASE. A person who is required  
3-27 [~~authorized~~] by this article to release or obtain information may  
3-28 do so only for the administration of criminal justice.

3-29 Sec. 4. RELEASE OF INFORMATION BY PERSONS PROVIDING MENTAL  
3-30 HEALTH OR MEDICAL SERVICES. (a) person listed in Subsection (b)  
3-31 of this section, on request or in the normal course of business,  
3-32 shall release information [Information] concerning the treatment  
3-33 of a sex offender to [may be released by a person who]:

- 3-34 (1) a criminal justice agency;
- 3-35 (2) a local law enforcement authority; or
- 3-36 (3) another person listed in Subsection (b) of this

3-37 section.  
3-38 (b) This section applies to a person who:

- 3-39 (1) is licensed or certified in this state to provide  
3-40 mental health or medical services, including a:
  - 3-41 (A) physician;
  - 3-42 (B) psychiatrist;
  - 3-43 (C) psychologist;
  - 3-44 (D) licensed professional counselor;
  - 3-45 (E) licensed marriage and family therapist; or
  - 3-46 (F) certified social worker; and
- 3-47 (2) while licensed or certified, provides or provided  
3-48 mental health or medical services for the rehabilitation of sex  
3-49 offenders.

3-50 SECTION 6. Subsection (b), Section 614.017, Health and  
3-51 Safety Code, is repealed.

3-52 SECTION 7. This Act takes effect immediately if it receives  
3-53 a vote of two-thirds of all the members elected to each house, as  
3-54 provided by Section 39, Article III, Texas Constitution. If this  
3-55 Act does not receive the vote necessary for immediate effect, this  
3-56 Act takes effect September 1, 2003.

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