

By: Otto

H.B. No. 646

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the provision of certain reports and records requested  
3 by the attorney general.

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

5 SECTION 1. Article 2.23, Code of Criminal Procedure, is  
6 amended to read as follows:

7 Art. 2.23. REPORT TO ATTORNEY GENERAL. (a) The clerks of  
8 the district courts, statutory ~~and~~ county courts, constitutional  
9 county courts, and courts of appeals shall, when requested in  
10 writing ~~[required]~~ by the Attorney General, report to the Attorney  
11 General not later than the 10th day after the date the request is  
12 received ~~[him at such times]~~, and in the form prescribed by the  
13 Attorney General ~~[accordance with such forms as he may direct]~~,  
14 ~~[such]~~ information in court records that relates ~~[in relation]~~ to a  
15 criminal matter, including information requested by the Attorney  
16 General for purposes of federal habeas review ~~[matters as may be~~  
17 ~~shown by their records]~~.

18 (b) When a clerk of a ~~[any]~~ district court, statutory county  
19 court, constitutional county court, or court of appeals ~~[clerk]~~ has  
20 failed, neglected, or refused to provide a ~~[make any such]~~ report or  
21 record after receiving a written request for the report or record  
22 under Subsection (a) ~~[being requested in writing by the Attorney~~  
23 ~~General to make such report]~~, the Attorney General shall notify in  
24 writing the Comptroller of Public Accounts of the ~~[such]~~ failure,

1 neglect, or refusal, and the [~~said~~] Comptroller shall not  
2 [~~thereafter~~] draw any warrant in favor of the court [~~said clerk~~]  
3 until the [~~said~~] report or record has been provided to [~~filed with~~]  
4 the Attorney General.

5 (c) A state agency or the office of an attorney representing  
6 the state shall, when requested in writing by the Attorney General,  
7 provide to the Attorney General any record that is needed for  
8 purposes of federal habeas review. The agency or office must  
9 provide the record not later than the 10th day after the date the  
10 request is received and in the form prescribed by the Attorney  
11 General.

12 (d) A district court, statutory county court,  
13 constitutional county court, court of appeals, state agency, or  
14 office of an attorney representing the state may not restrict or  
15 delay the reproduction or delivery of a record requested by the  
16 Attorney General under this article.

17 SECTION 2. This Act takes effect September 1, 2005.