

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

17 (b) When a state court ~~[any district clerk]~~ has failed,  
18 neglected or refused to provide a ~~[make any such]~~ report or record  
19 after receiving a written request for the report or record under  
20 Subsection (a) ~~[being requested in writing by the Attorney General~~  
21 ~~to make such report]~~, the Attorney General shall notify in writing  
22 the Comptroller of Public Accounts of such failure, neglect or  
23 refusal, and said Comptroller shall not thereafter draw any warrant  
24 in favor of the court ~~[said clerk]~~ until said report or record has

1 been provided to [~~filed with~~] the Attorney General.

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

9 (d) A state court, state agency, or office of an attorney  
10 representing the state may not restrict or delay the reproduction  
11 or delivery of a record requested by the Attorney General under this  
12 article.

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