

1-1 By: Otto (Senate Sponsor - Seliger) H.B. No. 646  
1-2 (In the Senate - Received from the House April 11, 2005;  
1-3 April 12, 2005, read first time and referred to Committee on  
1-4 Criminal Justice; May 20, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 May 20, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 646 By: Seliger

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

1-10 relating to the provision of certain reports and records requested  
1-11 by the attorney general.

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

1-13 SECTION 1. Article 2.23, Code of Criminal Procedure, is  
1-14 amended to read as follows:

1-15 Art. 2.23. REPORT TO ATTORNEY GENERAL. (a) The clerks of  
1-16 the district and county courts shall, when requested in writing  
1-17 ~~[required]~~ by the Attorney General, report to the Attorney General  
1-18 not later than the 10th day after the date the request is received  
1-19 ~~[him at such times]~~, and in the form prescribed by the Attorney  
1-20 General ~~[accordance with such forms as he may direct]~~, ~~[such]~~  
1-21 information in court records that relates [in relation] to a  
1-22 criminal matter, including information requested by the Attorney  
1-23 General for purposes of federal habeas review. ~~[matters as may be~~  
1-24 ~~shown by their records].~~

1-25 ~~[When any district clerk has failed, neglected or refused to~~  
1-26 ~~make any such report after being requested in writing by the~~  
1-27 ~~Attorney General to make such report, the Attorney General shall~~  
1-28 ~~notify in writing the Comptroller of Public Accounts of such~~  
1-29 ~~failure, neglect or refusal, and said Comptroller shall not~~  
1-30 ~~thereafter draw any warrant in favor of said clerk until said report~~  
1-31 ~~has been filed with the Attorney General.]~~

1-32 (b) A state agency or the office of an attorney representing  
1-33 the state shall, when requested in writing by the Attorney General,  
1-34 provide to the Attorney General any record that is needed for  
1-35 purposes of federal habeas review. The agency or office must  
1-36 provide the record not later than the 10th day after the date the  
1-37 request is received and in the form prescribed by the Attorney  
1-38 General.

1-39 (c) A district court, county court, state agency, or office  
1-40 of an attorney representing the state may not restrict or delay the  
1-41 reproduction or delivery of a record requested by the Attorney  
1-42 General under this article.

1-43 SECTION 2. This Act takes effect September 1, 2005.

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