

By: Whitmire

S.B. No. 885

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to criminal history record information by state
3 appellate courts.

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

5 SECTION 1. Subchapter F, Chapter 411, Government Code, is
6 amended by adding Section 411.1406 to read as follows:

7 Sec. 411.1406. ACCESS TO CRIMINAL HISTORY INFORMATION:
8 APPELLATE COURTS. (a) In this section, "appellate court" means
9 the Supreme Court of Texas, the Texas Court of Criminal Appeals, or
10 a court of appeals.

11 (b) An appellate court is entitled to obtain from the
12 department criminal history record information maintained by the
13 department that relates to a person who is an applicant for:

14 (1) employment with the court;

15 (2) a volunteer position with the court; or

16 (3) an appointment made by the court.

17 (c) Criminal history record information obtained by the
18 court under Subsection (b) may be used only to evaluate an
19 applicant.

20 (d) The court may not release or disclose information
21 obtained under Subsection (b) except on order of a district court.

22 (e) After the expiration of any probationary term of the
23 person's employment, volunteer status, or appointment, the court
24 shall destroy all criminal history record information obtained

1 under Subsection (b).

2 (f) An appellate court is entitled to obtain from the
3 department criminal history record information maintained by the
4 department that relates to a person who is a volunteer to, or an
5 employee or appointee of, the court.

6 (g) Criminal history record information obtained by the
7 court under Subsection (f) may be used only to evaluate:

8 (1) an employee's employment with the court;

9 (2) a volunteer's volunteer status with the court; or

10 (3) an appointee's appointment by the court.

11 (h) The court may not release or disclose information
12 obtained under Subsection (f) except on order of a district court.

13 (i) A court shall destroy all criminal history record
14 information obtained under Subsection (f) before January 1, 2008.

15 (j) Subsections (f)-(i) and this subsection expire January
16 1, 2008.

17 SECTION 2. This Act takes effect September 1, 2007.