

By: Whitmire

S.B. No. 885

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(1) employment with the court;

(2) a volunteer position with the court; or

(3) an appointment made by the court.

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

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

(e) After the expiration of any probationary term of the person's employment, volunteer status, or appointment, the court 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.