

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 the  
9 Supreme Court of Texas, the Texas Court of Criminal Appeals, or a  
10 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 employment with the court.

15 (c) Criminal history record information obtained by the  
16 court under Subsection (b) may be used only to evaluate an applicant  
17 for employment with the court.

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

20 (e) After the expiration of any probationary term of the  
21 person's employment, the court shall destroy all criminal history  
22 record information obtained under Subsection (b).

23 (f) An appellate court is entitled to obtain from the  
24 department criminal history record information maintained by the

1 department that relates to a person who is an employee of the court.

2 (g) Criminal history record information obtained by the  
3 court under Subsection (f) may be used only to evaluate an  
4 employee's employment with the court.

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

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

9 (j) Subsections (f)-(h) and this subsection expire on  
10 January 1, 2008.

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