

1-1 By: Whitmire S.B. No. 885
1-2 (In the Senate - Filed February 26, 2007; March 7, 2007,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 10, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 10, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 885 By: Whitmire

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

1-10 relating to access to criminal history record information by state
1-11 appellate courts.

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

1-13 SECTION 1. Subchapter F, Chapter 411, Government Code, is
1-14 amended by adding Section 411.1406 to read as follows:

1-15 Sec. 411.1406. ACCESS TO CRIMINAL HISTORY INFORMATION:
1-16 APPELLATE COURTS. (a) In this section, "appellate court" means
1-17 the Supreme Court of Texas, the Texas Court of Criminal Appeals, or
1-18 a court of appeals.

1-19 (b) An appellate court is entitled to obtain from the
1-20 department criminal history record information maintained by the
1-21 department that relates to a person who is an applicant for:

1-22 (1) employment with the court;
1-23 (2) a volunteer position with the court; or
1-24 (3) an appointment made by the court.

1-25 (c) Criminal history record information obtained by the
1-26 court under Subsection (b) may be used only to evaluate an
1-27 applicant.

1-28 (d) The court may not release or disclose information
1-29 obtained under Subsection (b) except on order of a district court.

1-30 (e) After the expiration of any probationary term of the
1-31 person's employment, volunteer status, or appointment, the court
1-32 shall destroy all criminal history record information obtained
1-33 under Subsection (b).

1-34 (f) An appellate court is entitled to obtain from the
1-35 department criminal history record information maintained by the
1-36 department that relates to a person who is a volunteer to, or an
1-37 employee or appointee of, the court.

1-38 (g) Criminal history record information obtained by the
1-39 court under Subsection (f) may be used only to evaluate:

1-40 (1) an employee's employment with the court;
1-41 (2) a volunteer's volunteer status with the court; or
1-42 (3) an appointee's appointment by the court.

1-43 (h) The court may not release or disclose information
1-44 obtained under Subsection (f) except on order of a district court.

1-45 (i) A court shall destroy all criminal history record
1-46 information obtained under Subsection (f) before January 1, 2008.

1-47 (j) Subsections (f)-(i) and this subsection expire January
1-48 1, 2008.

1-49 SECTION 2. This Act takes effect September 1, 2007.

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