

By: Keffer

H.B. No. 2078

A BILL TO BE ENTITLED

AN ACT

relating to the transfer by certain courts of historic court documents to a designated official repository.

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

SECTION 1. Subchapter D, Chapter 22, Government Code, is amended by adding Section 22.304 to read as follows:

Sec. 22.304. OFFICIAL REPOSITORY FOR HISTORIC COURT DOCUMENTS. (a) Subject to the requirements and limitations of this section, the supreme court, the court of criminal appeals, or a court of appeals, at the discretion of the court's chief justice or presiding judge, as applicable, may designate a museum as an official repository for the public display of historic court documents and may transfer those documents to the designated museum.

(b) To be designated as an official repository under this section, a museum must be exempt from taxation under Section 501(a), Internal Revenue Code of 1986, by being listed under Section 501(c)(3), Internal Revenue Code of 1986.

(c) A document may be transferred to the custody of an official repository only:

(1) after the final disposition of the case or proceeding in which the document was filed; and

(2) if the document is of significance to the jurisprudence of this state.

1 (d) The following may not be transferred to the custody of
2 an official repository:

3 (1) a document contained in a court record that is
4 sealed in accordance with law; or

5 (2) a document that, at the time the case or proceeding
6 in which the document was filed was pending, a person with respect
7 to whom the document relates was a minor or otherwise
8 incapacitated.

9 SECTION 2. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.