

By: Wentworth

S.B. No. 1626

A BILL TO BE ENTITLED

AN ACT

relating to the reporting of certain confidential statements made to a mental health professional.

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

SECTION 1. Section 611.004, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e) A professional to whom a patient communicates a threat of physical violence against a reasonably identifiable person shall report the threat to a local law enforcement agency if the professional determines in good faith that disclosure of the threat is necessary to protect the health or safety of a person. A professional who discloses confidential information in accordance with this subsection is immune from civil or criminal liability for that disclosure.

SECTION 2. Title 1, Code of Criminal Procedure, is amended by adding Chapter 5A to read as follows:

CHAPTER 5A. PREVENTION OF CERTAIN THREATENED PHYSICAL VIOLENCE

Art. 5A.01. REPORTS OF VIOLENT THREATS REQUIRED. (a) A peace officer who receives from a mental health professional a report of a threat of physical violence in accordance with Section 611.004(e), Health and Safety Code, shall make a written report that includes:

(1) the names of the person making the threat, the person who is the reasonably identifiable target of the threat, and

1 the mental health professional making the report; and

2 (2) a description of the threat.

3 (b) A peace officer who receives from a mental health
4 professional a report of a threat of physical violence in
5 accordance with Section 611.004(e), Health and Safety Code, shall
6 provide a copy of the report to:

7 (1) the Department of State Health Services; and

8 (2) the bureau of identification and records of the
9 Department of Public Safety of the State of Texas for the bureau's
10 recordkeeping function under Section 411.042, Government Code.

11 Art. 5A.02. CERTAIN RECORDKEEPING REQUIRED. (a) Each local
12 law enforcement agency shall establish a departmental code for
13 identifying and retrieving reports received under Article 5A.01.

14 (b) In order to ensure that an officer investigating an
15 incident or responding to a disturbance call that involves or may
16 involve physical violence or threats of physical violence is aware
17 of the existence of a report made under Article 5A.01(a), each local
18 law enforcement agency shall establish procedures within the agency
19 to provide to officers adequate information or access to
20 information concerning the identity of a person identified in a
21 report as a person who has previously made a threat of physical
22 violence.

23 (c) The district or county attorney exercising authority in
24 the county in which the law enforcement agency has jurisdiction is
25 entitled to access the records created under this chapter.

26 SECTION 3. Section 411.042(b), Government Code, as amended
27 by Chapters 70 (H.B. 76), 1306 (S.B. 1839), and 1372 (S.B. 9), Acts

1 of the 80th Legislature, Regular Session, 2007, is reenacted and
2 amended to read as follows:

3 (b) The bureau of identification and records shall:

4 (1) procure and file for record photographs, pictures,
5 descriptions, fingerprints, measurements, and other pertinent
6 information of all persons arrested for or charged with a criminal
7 offense or convicted of a criminal offense, regardless of whether
8 the conviction is probated;

9 (2) collect information concerning the number and
10 nature of offenses reported or known to have been committed in the
11 state and the legal steps taken in connection with the offenses, and
12 other information useful in the study of crime and the
13 administration of justice, including information that enables the
14 bureau to create a statistical breakdown of offenses in which
15 family violence was involved and a statistical breakdown of
16 offenses under Sections 22.011 and 22.021, Penal Code;

17 (3) make ballistic tests of bullets and firearms and
18 chemical analyses of bloodstains, cloth, materials, and other
19 substances for law enforcement officers of the state;

20 (4) cooperate with identification and crime records
21 bureaus in other states and the United States Department of
22 Justice;

23 (5) maintain a list of all previous background checks
24 for applicants for any position regulated under Chapter 1702,
25 Occupations Code, who have undergone a criminal history background
26 check under Section 411.119, if the check indicates a Class B
27 misdemeanor or equivalent offense or a greater offense;

1 (6) collect information concerning the number and
2 nature of protective orders and all other pertinent information
3 about all persons on active protective orders. Information in the
4 law enforcement information system relating to an active protective
5 order shall include:

6 (A) the name, sex, race, date of birth, personal
7 descriptors, address, and county of residence of the person to whom
8 the order is directed;

9 (B) any known identifying number of the person to
10 whom the order is directed, including the person's social security
11 number or driver's license number;

12 (C) the name and county of residence of the
13 person protected by the order;

14 (D) the residence address and place of employment
15 or business of the person protected by the order, unless that
16 information is excluded from the order under Section 85.007, Family
17 Code;

18 (E) the child-care facility or school where a
19 child protected by the order normally resides or which the child
20 normally attends, unless that information is excluded from the
21 order under Section 85.007, Family Code;

22 (F) the relationship or former relationship
23 between the person who is protected by the order and the person to
24 whom the order is directed; and

25 (G) the date the order expires; ~~and~~

26 (7) grant access to criminal history record
27 information in the manner authorized under Subchapter F;

1 (8) [~~(7)~~] collect and disseminate information
2 regarding offenders with mental impairments in compliance with
3 Chapter 614, Health and Safety Code; and

4 (9) collect and disseminate information regarding
5 reports of violent threats in compliance with Chapter 5A, Code of
6 Criminal Procedure.

7 SECTION 4. Section 611.004(e), Health and Safety Code, as
8 added by this Act, applies only to a disclosure of confidential
9 information made on or after the effective date of this Act.

10 SECTION 5. This Act takes effect September 1, 2009.