

1-1 By: Wentworth S.B. No. 1626  
1-2 (In the Senate - Filed March 10, 2009; March 20, 2009, read  
1-3 first time and referred to Committee on Health and Human Services;  
1-4 April 17, 2009, reported favorably by the following vote: Yeas 8,  
1-5 Nays 0; April 17, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the reporting of certain confidential statements made  
1-9 to a mental health professional.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 611.004, Health and Safety Code, is  
1-12 amended by adding Subsection (e) to read as follows:

1-13 (e) A professional to whom a patient communicates a threat  
1-14 of physical violence against a reasonably identifiable person shall  
1-15 report the threat to a local law enforcement agency if the  
1-16 professional determines in good faith that disclosure of the threat  
1-17 is necessary to protect the health or safety of a person. A  
1-18 professional who discloses confidential information in accordance  
1-19 with this subsection is immune from civil or criminal liability for  
1-20 that disclosure.

1-21 SECTION 2. Title 1, Code of Criminal Procedure, is amended  
1-22 by adding Chapter 5A to read as follows:

1-23 CHAPTER 5A. PREVENTION OF CERTAIN THREATENED PHYSICAL VIOLENCE

1-24 Art. 5A.01. REPORTS OF VIOLENT THREATS REQUIRED. (a) A  
1-25 peace officer who receives from a mental health professional a  
1-26 report of a threat of physical violence in accordance with Section  
1-27 611.004(e), Health and Safety Code, shall make a written report  
1-28 that includes:

1-29 (1) the names of the person making the threat, the  
1-30 person who is the reasonably identifiable target of the threat, and  
1-31 the mental health professional making the report; and

1-32 (2) a description of the threat.

1-33 (b) A peace officer who receives from a mental health  
1-34 professional a report of a threat of physical violence in  
1-35 accordance with Section 611.004(e), Health and Safety Code, shall  
1-36 provide a copy of the report to:

1-37 (1) the Department of State Health Services; and

1-38 (2) the bureau of identification and records of the  
1-39 Department of Public Safety of the State of Texas for the bureau's  
1-40 recordkeeping function under Section 411.042, Government Code.

1-41 Art. 5A.02. CERTAIN RECORDKEEPING REQUIRED. (a) Each  
1-42 local law enforcement agency shall establish a departmental code  
1-43 for identifying and retrieving reports received under Article  
1-44 5A.01.

1-45 (b) In order to ensure that an officer investigating an  
1-46 incident or responding to a disturbance call that involves or may  
1-47 involve physical violence or threats of physical violence is aware  
1-48 of the existence of a report made under Article 5A.01(a), each local  
1-49 law enforcement agency shall establish procedures within the agency  
1-50 to provide to officers adequate information or access to  
1-51 information concerning the identity of a person identified in a  
1-52 report as a person who has previously made a threat of physical  
1-53 violence.

1-54 (c) The district or county attorney exercising authority in  
1-55 the county in which the law enforcement agency has jurisdiction is  
1-56 entitled to access the records created under this chapter.

1-57 SECTION 3. Subsection (b), Section 411.042, Government  
1-58 Code, as amended by Chapters 70 (H.B. 76), 1306 (S.B. 839), and 1372  
1-59 (S.B. 9), Acts of the 80th Legislature, Regular Session, 2007, is  
1-60 reenacted and amended to read as follows:

1-61 (b) The bureau of identification and records shall:

1-62 (1) procure and file for record photographs, pictures,  
1-63 descriptions, fingerprints, measurements, and other pertinent  
1-64 information of all persons arrested for or charged with a criminal

2-1 offense or convicted of a criminal offense, regardless of whether  
2-2 the conviction is probated;

2-3 (2) collect information concerning the number and  
2-4 nature of offenses reported or known to have been committed in the  
2-5 state and the legal steps taken in connection with the offenses, and  
2-6 other information useful in the study of crime and the  
2-7 administration of justice, including information that enables the  
2-8 bureau to create a statistical breakdown of offenses in which  
2-9 family violence was involved and a statistical breakdown of  
2-10 offenses under Sections 22.011 and 22.021, Penal Code;

2-11 (3) make ballistic tests of bullets and firearms and  
2-12 chemical analyses of bloodstains, cloth, materials, and other  
2-13 substances for law enforcement officers of the state;

2-14 (4) cooperate with identification and crime records  
2-15 bureaus in other states and the United States Department of  
2-16 Justice;

2-17 (5) maintain a list of all previous background checks  
2-18 for applicants for any position regulated under Chapter 1702,  
2-19 Occupations Code, who have undergone a criminal history background  
2-20 check under Section 411.119, if the check indicates a Class B  
2-21 misdemeanor or equivalent offense or a greater offense;

2-22 (6) collect information concerning the number and  
2-23 nature of protective orders and all other pertinent information  
2-24 about all persons on active protective orders. Information in the  
2-25 law enforcement information system relating to an active protective  
2-26 order shall include:

2-27 (A) the name, sex, race, date of birth, personal  
2-28 descriptors, address, and county of residence of the person to whom  
2-29 the order is directed;

2-30 (B) any known identifying number of the person to  
2-31 whom the order is directed, including the person's social security  
2-32 number or driver's license number;

2-33 (C) the name and county of residence of the  
2-34 person protected by the order;

2-35 (D) the residence address and place of employment  
2-36 or business of the person protected by the order, unless that  
2-37 information is excluded from the order under Section 85.007, Family  
2-38 Code;

2-39 (E) the child-care facility or school where a  
2-40 child protected by the order normally resides or which the child  
2-41 normally attends, unless that information is excluded from the  
2-42 order under Section 85.007, Family Code;

2-43 (F) the relationship or former relationship  
2-44 between the person who is protected by the order and the person to  
2-45 whom the order is directed; and

2-46 (G) the date the order expires; ~~and~~

2-47 (7) grant access to criminal history record  
2-48 information in the manner authorized under Subchapter F;

2-49 (8) ~~(7)~~ collect and disseminate information  
2-50 regarding offenders with mental impairments in compliance with  
2-51 Chapter 614, Health and Safety Code; and

2-52 (9) collect and disseminate information regarding  
2-53 reports of violent threats in compliance with Chapter 5A, Code of  
2-54 Criminal Procedure.

2-55 SECTION 4. Subsection (e), Section 611.004, Health and  
2-56 Safety Code, as added by this Act, applies only to a disclosure of  
2-57 confidential information made on or after the effective date of  
2-58 this Act.

2-59 SECTION 5. This Act takes effect September 1, 2009.

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