

1-1 By: Zaffirini S.B. No. 1872
1-2 (In the Senate - Filed March 11, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 16, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 16, 2009, sent to printer.)

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

1-8 relating to the use of information and records acquired during a
1-9 fatality review and investigation.

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

1-11 SECTION 1. Section 672.009, Health and Safety Code, is
1-12 amended by adding Subsection (e) to read as follows:

1-13 (e) Information, documents, and records that are
1-14 confidential as provided by this section are not subject to
1-15 subpoena or discovery and may not be introduced into evidence in any
1-16 civil or criminal proceeding. A document or other information that
1-17 is otherwise available from another source is not protected from
1-18 subpoena, discovery, or introduction into evidence under this
1-19 subsection solely because the document or information was acquired
1-20 by a review team in the exercise of its duties under this chapter.

1-21 SECTION 2. The change in law made by this Act applies to a
1-22 civil or criminal proceeding commenced on or after the effective
1-23 date of this Act. A civil or criminal proceeding commenced before
1-24 the effective date of this Act is governed by the law as it existed
1-25 immediately before that date, and that law is continued in effect
1-26 for that purpose.

1-27 SECTION 3. This Act takes effect September 1, 2009.

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