

## **BILL ANALYSIS**

H.B. 2613  
By: Walle  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

A public defender's office currently is not entitled under Texas statute to fee-exempt access to criminal history record information maintained by the Department of Public Safety (DPS). While some public defender's offices have access to such criminal history record information through the county in which an office operates, many are unable to access such information regarding offenses committed outside of their respective counties. Interested parties assert that public defender's offices need access to relevant criminal history record information maintained by DPS to effectively represent defendants and that such access would conserve county resources, as the offices must currently pay for criminal history information obtained through private background check services or DPS services.

H.B. 2613 seeks to address this issue by entitling a public defender's office and the office of capital writs to obtain, free of charge, criminal history record information maintained by DPS relating to certain criminal cases.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 2613 amends the Government Code to entitle the office of capital writs and a public defender's office to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a criminal case in which an attorney compensated by the office of capital writs or by the public defender's office has been appointed. The bill prohibits DPS from charging a fee for providing criminal history record information to the office of capital writs or a public defender's office.

### **EFFECTIVE DATE**

September 1, 2013.