

BILL ANALYSIS

Senate Research Center
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S.B. 1044
By: Rodríguez
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, public defender's offices are not authorized under statute to have fee-exempt access to Department of Public Safety of the State of Texas (DPS) criminal history record information. While some public defender's offices have access to this criminal history record information from the county in which they operate, many are unable to access criminal history information about offenses committed outside the county. Public defender's offices need access to this information to effectively represent defendants. In addition, fee-exempt access to DPS criminal history record information conserves county resources, as public defender's offices must currently pay for criminal history information obtained through private background check services or DPS's public criminal history record information service.

As proposed, S.B. 1044 amends current law relating to access to criminal history record information by a public defender's office and the office of capital writs and to an exemption for those offices from fees imposed for processing inquiries for that information.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.082, Government Code, by adding Subdivisions (5) and (6), to define "office of capital writs" and "public defender's office."

SECTION 2. Amends Section 411.088, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Authorizes the Department of Public Safety of the State of Texas (DPS), except as otherwise provided by Subsection (a-1), to charge a person a fee for processing inquiries for criminal history record information. Deletes existing text authorizing DPS to charge a person that is not primarily a criminal justice agency a fee for processing inquiries for criminal history record information. Authorizes DPS to charge certain fees and costs.

(a-1) Prohibits DPS from charging a fee under Subsection (a) for providing criminal history record information to a criminal justice agency, the office of capital writs, or a public defender's office.

SECTION 3. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.1272, as follows:

Sec. 411.1272. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: OFFICE OF CAPITAL WRITS AND PUBLIC DEFENDER'S OFFICES. Entitles the office of capital writs and a public defender's office to obtain from 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.

SECTION 4. Effective date: September 1, 2013.