

AN ACT

relating to access to criminal history record information by certain entities, including certain local government corporations, public defender's offices, and the office of capital writs, and to an exemption for those offices from fees imposed for processing inquiries for that information.

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

SECTION 1. Section 411.082, Government Code, is amended by adding Subdivisions (5) and (6) to read as follows:

(5) "Office of capital writs" means the office of capital writs established under Subchapter B, Chapter 78.

(6) "Public defender's office" has the meaning assigned by Article 26.044(a), Code of Criminal Procedure.

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

(a) Except as otherwise provided by Subsection (a-1), the [The] department may charge a person [~~that is not primarily a criminal justice agency~~] a fee for processing inquiries for criminal history record information. The department may charge:

(1) a fee of \$10 for each inquiry for criminal history record information on a person that is processed only on the basis of the person's name, unless the inquiry is submitted electronically or by magnetic media, in which event the fee is \$1;

1           (2) a fee of \$15 for each inquiry for criminal history  
2 record information on a person that is processed on the basis of a  
3 fingerprint comparison search; and

4           (3) except as provided by Subsection (b), actual costs  
5 for processing all other information inquiries.

6           (a-1) The department may not charge a fee under Subsection  
7 (a) for providing criminal history record information to:

8                   (1) a criminal justice agency;

9                   (2) the office of capital writs; or

10                   (3) a public defender's office.

11           SECTION 3. Subchapter F, Chapter 411, Government Code, is  
12 amended by adding Section 411.1272 to read as follows:

13           Sec. 411.1272. ACCESS TO CRIMINAL HISTORY RECORD  
14 INFORMATION: OFFICE OF CAPITAL WRITS AND PUBLIC DEFENDER'S  
15 OFFICES. The office of capital writs and a public defender's office  
16 are entitled to obtain from the department criminal history record  
17 information maintained by the department that relates to a criminal  
18 case in which an attorney compensated by the office of capital writs  
19 or by the public defender's office has been appointed.

20           SECTION 4. Subchapter F, Chapter 411, Government Code, is  
21 amended by adding Section 411.1301 to read as follows:

22           Sec. 411.1301. ACCESS TO CRIMINAL HISTORY RECORD  
23 INFORMATION: CERTAIN LOCAL GOVERNMENT CORPORATIONS ENGAGED IN  
24 CRIMINAL IDENTIFICATION ACTIVITIES. (a) This section applies  
25 only to a local government corporation that is created under  
26 Subchapter D, Chapter 431, Transportation Code, for governmental  
27 purposes relating to criminal identification activities, including

1 forensic analysis, and that allocates a substantial part of its  
2 annual budget to those criminal identification activities.

3 (b) A local government corporation described by Subsection  
4 (a) is entitled to obtain from the department criminal history  
5 record information maintained by the department that relates to a  
6 person who:

7 (1) is an employee or an applicant for employment with  
8 the local government corporation;

9 (2) is a consultant, intern, or volunteer for the  
10 local government corporation or an applicant to serve as a  
11 consultant, intern, or volunteer;

12 (3) proposes to enter into a contract with or has a  
13 contract with the local government corporation to perform services  
14 for or supply goods to the local government corporation; or

15 (4) is an employee or subcontractor, or an applicant  
16 to be an employee or subcontractor, of a contractor that provides  
17 services to the local government corporation.

18 (c) Criminal history record information obtained by a local  
19 government corporation under Subsection (b) may not be released or  
20 disclosed to any person except:

21 (1) on court order; or

22 (2) with the consent of the person who is the subject  
23 of the criminal history record information.

24 SECTION 5. This Act takes effect September 1, 2013.

S.B. No. 1044

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1044 passed the Senate on April 23, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1044 passed the House on May 22, 2013, by the following vote: Yeas 148, Nays 0, one present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor