

By: Rodriguez
(Walle, Moody)

S.B. No. 1044

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to criminal history record information by
3 certain entities, including certain local government corporations,
4 public defender's offices, and the office of capital writs, and to
5 an exemption for those offices from fees imposed for processing
6 inquiries for that information.

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

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

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

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

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

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

21 (1) a fee of \$10 for each inquiry for criminal history
22 record information on a person that is processed only on the basis
23 of the person's name, unless the inquiry is submitted
24 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.