

By: Rodriguez

S.B. No. 1044

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to criminal history record information by a
3 public defender's office and the office of capital writs and to an
4 exemption for those offices from fees imposed for processing
5 inquiries for that information.

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

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

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

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

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

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

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

24 (2) a fee of \$15 for each inquiry for criminal history

1 record information on a person that is processed on the basis of a
2 fingerprint comparison search; and

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

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

7 (1) a criminal justice agency;

8 (2) the office of capital writs; or

9 (3) a public defender's office.

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

12 Sec. 411.1272. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: OFFICE OF CAPITAL WRITS AND PUBLIC DEFENDER'S OFFICES.

14 The office of capital writs and a public defender's office are
15 entitled to obtain from the department criminal history record
16 information maintained by the department that relates to a criminal
17 case in which an attorney compensated by the office of capital writs
18 or by the public defender's office has been appointed.

19 SECTION 4. This Act takes effect September 1, 2013.