

1-1 By: Rodriguez S.B. No. 1044
1-2 (In the Senate - Filed March 4, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 18, 2013, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 18, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona	X		
1-11	Hinojosa		X	
1-12	Patrick	X		
1-13	Rodriguez	X		
1-14	Schwertner	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to access to criminal history record information by a
1-18 public defender's office and the office of capital writs and to an
1-19 exemption for those offices from fees imposed for processing
1-20 inquiries for that information.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 411.082, Government Code, is amended by
1-23 adding Subdivisions (5) and (6) to read as follows:

1-24 (5) "Office of capital writs" means the office of
1-25 capital writs established under Subchapter B, Chapter 78.

1-26 (6) "Public defender's office" has the meaning
1-27 assigned by Article 26.044(a), Code of Criminal Procedure.

1-28 SECTION 2. Section 411.088, Government Code, is amended by
1-29 amending Subsection (a) and adding Subsection (a-1) to read as
1-30 follows:

1-31 (a) Except as otherwise provided by Subsection (a-1), the
1-32 [The] department may charge a person [~~that is not primarily a~~
1-33 ~~criminal justice agency~~] a fee for processing inquiries for
1-34 criminal history record information. The department may charge:

1-35 (1) a fee of \$10 for each inquiry for criminal history
1-36 record information on a person that is processed only on the basis
1-37 of the person's name, unless the inquiry is submitted
1-38 electronically or by magnetic media, in which event the fee is \$1;

1-39 (2) a fee of \$15 for each inquiry for criminal history
1-40 record information on a person that is processed on the basis of a
1-41 fingerprint comparison search; and

1-42 (3) except as provided by Subsection (b), actual costs
1-43 for processing all other information inquiries.

1-44 (a-1) The department may not charge a fee under Subsection
1-45 (a) for providing criminal history record information to:

1-46 (1) a criminal justice agency;

1-47 (2) the office of capital writs; or

1-48 (3) a public defender's office.

1-49 SECTION 3. Subchapter F, Chapter 411, Government Code, is
1-50 amended by adding Section 411.1272 to read as follows:

1-51 Sec. 411.1272. ACCESS TO CRIMINAL HISTORY RECORD
1-52 INFORMATION: OFFICE OF CAPITAL WRITS AND PUBLIC DEFENDER'S
1-53 OFFICES. The office of capital writs and a public defender's office
1-54 are entitled to obtain from the department criminal history record
1-55 information maintained by the department that relates to a criminal
1-56 case in which an attorney compensated by the office of capital writs
1-57 or by the public defender's office has been appointed.

1-58 SECTION 4. This Act takes effect September 1, 2013.

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