

By: Thompson of Harris

H.B. No. 2700

Substitute the following for H.B. No. 2700:

By: Elkins

C.S.H.B. No. 2700

A BILL TO BE ENTITLED

AN ACT

relating to the release of bulk criminal history record information by certain individuals and agencies.

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

SECTION 1. Subchapter C, Chapter 552, Government Code, is amended by adding Section 552.1426 to read as follows:

Sec. 552.1426. DISSEMINATION OF BULK CRIMINAL HISTORY RECORD INFORMATION. (a) In this section:

(1) "Bulk criminal history record information request" means a request submitted to a district clerk, county clerk, clerk of a justice or municipal court, or criminal justice agency for production, in any format, of all or a significant portion of the criminal history record information maintained by that clerk, court, or agency. The term does not include a request for all or a significant portion of the criminal history record information for a specifically named person.

(2) "Criminal history record information" means information about a person that is collected or maintained by a district clerk, county clerk, clerk of a justice or municipal court, or a criminal justice agency and that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions. The term does not include:

(A) identification information, including

1 fingerprint records, to the extent that the identification
2 information does not indicate involvement of the person in the
3 criminal justice system;

4 (B) traffic offense information maintained by a
5 clerk of a municipal or justice court; or

6 (C) driving record information maintained by the
7 Department of Public Safety under Subchapter C, Chapter 521,
8 Transportation Code.

9 (3) "Criminal justice agency" has the meaning assigned
10 by Section 411.082.

11 (b) Except as provided by Subsection (d), a district clerk,
12 county clerk, clerk of a justice or municipal court, or criminal
13 justice agency, other than the Department of Public Safety, that
14 receives from any person or entity a bulk criminal history record
15 information request concerning Class A or Class B or felony
16 offenses for which a final judgment has been rendered shall deny the
17 request and provide the requestor with instructions for submitting
18 a bulk criminal history record information request to the
19 Department of Public Safety.

20 (c) Except as provided by Subsection (d), a district clerk,
21 county clerk, clerk of a justice or municipal court, or criminal
22 justice agency that grants a bulk criminal history record
23 information request that is submitted by any person or entity and
24 concerns Class C offenses for which final judgment has been
25 rendered or Class C offenses that are pending final disposition
26 shall:

27 (1) maintain a record of the name and contact

1 information of the requestor and the most recent date criminal
2 history record information was provided to the requestor; and

3 (2) publish the record on the clerk's or agency's
4 Internet website or, if the clerk or agency does not maintain an
5 Internet website, prominently display the record in a public area
6 of the clerk's or agency's place of business.

7 (d) Notwithstanding Subsection (b), a district clerk,
8 county clerk, clerk of a justice or municipal court, or criminal
9 justice agency may grant a bulk criminal history record information
10 request under this subsection if the court or agency is in a
11 jurisdiction that has adopted rules to ensure the provision of
12 notice of any updates to a particular criminal history record to
13 each person who received that criminal history record in response
14 to the submission of a bulk criminal history record information
15 request. Subsection (c) does not apply to a bulk criminal history
16 record information request concerning Class C offenses described by
17 that subsection that is granted in accordance with this subsection.
18 A district clerk, county clerk, clerk of a justice or municipal
19 court, or criminal justice agency authorized to release bulk
20 criminal history record information under this subsection shall
21 update applicable records not later than the 30th day after the date
22 the clerk or agency discovers a change to a person's criminal
23 history record information that was included in a response to the
24 submission of a bulk criminal history record information request.

25 (e) This section does not restrict public access to criminal
26 history record information, other than through a bulk criminal
27 history record information request, or limit the general discretion

1 or authority of any district clerk, county clerk, clerk of a justice
2 or municipal court, or criminal justice agency.

3 SECTION 2. Section 411.087(a), Government Code, is amended
4 to read as follows:

5 (a) Unless otherwise authorized by Subsection (e), a
6 person, agency, department, political subdivision, or other entity
7 that is authorized by this subchapter to obtain from the department
8 criminal history record information maintained by the department
9 that relates to another person is authorized to:

10 (1) obtain through the Federal Bureau of Investigation
11 criminal history record information maintained or indexed by that
12 bureau that pertains to that person; or

13 (2) obtain from any other criminal justice agency in
14 this state criminal history record information maintained by that
15 criminal justice agency that relates to that person, except as
16 otherwise provided by Section 552.1426.

17 SECTION 3. This Act takes effect September 1, 2015.