

By: Huffman
(Bonnen of Brazoria)

S.B. No. 779

A BILL TO BE ENTITLED

AN ACT

relating to access to certain medical test results in a criminal proceeding; amending provisions subject to a criminal penalty.

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

SECTION 1. Section 81.103, Health and Safety Code, is amended by adding Subsections (c-1), (c-2), and (k-1) to read as follows:

(c-1) Subject to Subsection (k-1), a test result is subject to and may be released or disclosed under a subpoena issued under Chapter 20 or 24, Code of Criminal Procedure, in a criminal proceeding.

(c-2) Notwithstanding any other law, a person who releases or discloses a test result in response to a subpoena issued under Chapter 20 or 24, Code of Criminal Procedure, in a criminal proceeding is not subject to any criminal or civil liability or professional disciplinary action for releasing or disclosing the test result, except in a case of gross negligence or wilful misconduct.

(k-1) Before entering into evidence or otherwise releasing or disclosing a test result obtained by subpoena under Subsection (c-1) in a criminal proceeding, the court in which the test result is to be presented as evidence or otherwise released or disclosed shall issue a protective order or take other action to limit the release or disclosure of the test result. For a test result

1 obtained under a grand jury subpoena, the court responsible for the
2 grand jury shall issue the order or take other action to limit the
3 release or disclosure of the test result before the test result is
4 presented to the grand jury.

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2015.