

1-1 By: Huffman S.B. No. 779
 1-2 (In the Senate - Filed February 25, 2015; March 2, 2015,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 23, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 2; April 23, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Huffman	X			
1-9 Ellis		X		
1-10 Birdwell	X			
1-11 Creighton	X			
1-12 Estes	X			
1-13 Fraser	X			
1-14 Nelson	X			
1-15 Schwertner	X			
1-16 Zaffirini		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 779 By: Huffman

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to access to certain medical test results in a criminal
 1-22 proceeding; amending provisions subject to a criminal penalty.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 81.103, Health and Safety Code, is
 1-25 amended by adding Subsections (c-1), (c-2), and (k-1) to read as
 1-26 follows:

1-27 (c-1) Subject to Subsection (k-1), a test result is subject
 1-28 to and may be released or disclosed under a subpoena issued under
 1-29 Chapter 20 or 24, Code of Criminal Procedure, in a criminal
 1-30 proceeding.

1-31 (c-2) Notwithstanding any other law, a person who releases
 1-32 or discloses a test result in response to a subpoena issued under
 1-33 Chapter 20 or 24, Code of Criminal Procedure, in a criminal
 1-34 proceeding is not subject to any criminal or civil liability or
 1-35 professional disciplinary action for releasing or disclosing the
 1-36 test result, except in a case of gross negligence or wilful
 1-37 misconduct.

1-38 (k-1) Before entering into evidence or otherwise releasing
 1-39 or disclosing a test result obtained by subpoena under Subsection
 1-40 (c-1) in a criminal proceeding, the court in which the test result
 1-41 is to be presented as evidence or otherwise released or disclosed
 1-42 shall issue a protective order or take other action to limit the
 1-43 release or disclosure of the test result. For a test result
 1-44 obtained under a grand jury subpoena, the court responsible for the
 1-45 grand jury shall issue the order or take other action to limit the
 1-46 release or disclosure of the test result before the test result is
 1-47 presented to the grand jury.

1-48 SECTION 2. This Act takes effect immediately if it receives
 1-49 a vote of two-thirds of all the members elected to each house, as
 1-50 provided by Section 39, Article III, Texas Constitution. If this
 1-51 Act does not receive the vote necessary for immediate effect, this
 1-52 Act takes effect September 1, 2015.

1-53 * * * * *