

By: Hinojosa

S.B. No. 1960

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.

(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 fingerprint records, to the extent that the identification information does not indicate involvement of the person in the

1 criminal justice system;

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

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

7 (3) "Criminal justice agency" has the meaning assigned  
8 by Section 411.082.

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

17 (c) A district clerk, county clerk, clerk of a justice or  
18 municipal court, or criminal justice agency that grants a bulk  
19 criminal history record information request submitted by any person  
20 or entity and that concerns Class C offenses for which final  
21 judgment has been rendered or offenses that are pending final  
22 disposition shall:

23 (1) maintain a record of the name and contact  
24 information of the requestor and the most recent date criminal  
25 history record information was provided to the requestor; and

26 (2) publish the record on the clerk's or agency's  
27 Internet website or, if the clerk or agency does not maintain an

1 Internet website, prominently display the record in a public area  
2 of the clerk's or agency's place of business.

3 (d) This section does not restrict public access to criminal  
4 history record information, other than through a bulk criminal  
5 history record information request, or limit the general discretion  
6 or authority of any district clerk, county clerk, clerk of a justice  
7 or municipal court, or criminal justice agency.

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

10 (a) Unless otherwise authorized by Subsection (e), a  
11 person, agency, department, political subdivision, or other entity  
12 that is authorized by this subchapter to obtain from the department  
13 criminal history record information maintained by the department  
14 that relates to another person is authorized to:

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

18 (2) obtain from any other criminal justice agency in  
19 this state criminal history record information maintained by that  
20 criminal justice agency that relates to that person, except as  
21 otherwise provided by Section 552.1426.

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