

By: Clardy

H.B. No. 1258

A BILL TO BE ENTITLED

AN ACT

relating to information publicly available in an electronic court record database.

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

SECTION 1. Subchapter I, Chapter 51, Government Code, is amended by adding Section 51.808 to read as follows:

Sec. 51.808. INFORMATION PUBLICLY AVAILABLE IN ELECTRONIC COURT RECORD DATABASE. (a) In this section, "electronic court record database" means a system for storing documents electronically filed with a court in this state that is accessible by the public regardless of whether a fee is charged.

(b) A person, including a governmental entity, who establishes, maintains, or operates an electronic court record database may not allow public access to any court document electronically filed with a county court, statutory county court, or district court in this state unless:

(1) the clerk of the court enters into a written agreement with the person authorizing public access to the document through the database; and

(2) the commissioners court of the county in which the court is located approves the agreement described in Subdivision (1).

(c) Notwithstanding Section 22.004 or any other law, the supreme court may not adopt rules in conflict with or inconsistent

1 with this section. To the extent this section conflicts with the
2 Texas Rules of Civil Procedure or any other rule adopted by the
3 supreme court, this section controls.

4 SECTION 2. Section 51.808, Government Code, as added by
5 this Act, applies to a court record filed before, on, or after the
6 effective date of this Act unless a restriction on court records
7 filed before that date would impair a contract entered into before
8 that date.

9 SECTION 3. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2017.