

By: Herrero

H.B. No. 2387

Substitute the following for H.B. No. 2387:

By: Moody

C.S.H.B. No. 2387

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to disclosure and use of certain information regarding the  
3 Crime Victims' Compensation Act.

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

5 SECTION 1. Subchapter B, Chapter 56, Code of Criminal  
6 Procedure, is amended by adding Article 56.65 to read as follows:

7 Art. 56.65. DISCLOSURE AND USE OF INFORMATION. (a) This  
8 article does not apply to information made confidential by law.

9 (b) An application for compensation under this subchapter  
10 and any information, document, summary, or other record provided to  
11 or received, maintained, or created by the attorney general under  
12 this subchapter is:

13 (1) except as provided by Section 552.132(c),  
14 Government Code, not subject to disclosure under Chapter 552 of  
15 that code; and

16 (2) except as provided by Subsection (c), not subject  
17 to disclosure, discovery, subpoena, or other means of legal  
18 compulsion for release.

19 (c) The attorney general may not release or disclose an  
20 application for compensation under this subchapter, or any  
21 information, document, summary, or other record provided to or  
22 received, maintained, or created by the attorney general under this  
23 subchapter, except:

24 (1) by court order for good cause shown, if the order

1 includes a finding that the information is not available from any  
2 other source;

3 (2) with the consent of:

4 (A) the claimant or victim; or

5 (B) the person that provided the information to  
6 the attorney general;

7 (3) to an employee or other person under the direction  
8 of the attorney general;

9 (4) to another crime victims' compensation program  
10 that meets the requirements of 42 U.S.C. Section 10602(b);

11 (5) to a person authorized by the attorney general to  
12 receive the information in order to:

13 (A) conduct an audit as required by state or  
14 federal law;

15 (B) provide a review or examination under Article  
16 56.38, 56.385, or 56.39 or under another provision of this  
17 subchapter for the purpose of determining the appropriateness of an  
18 award under this subchapter;

19 (C) prevent, deter, or punish fraud related to  
20 this subchapter; or

21 (D) assert subrogation or restitution rights;

22 (6) as the attorney general determines necessary to  
23 enforce this chapter, including presenting the application,  
24 information, document, summary, or record in court; or

25 (7) in response to a subpoena that is issued in a  
26 criminal proceeding and that requests an application for  
27 compensation under this subchapter, subject to Subsection (d).

1        (d) If responding to a subpoena described by Subsection  
2 (c)(7), the attorney general shall release only the victim's  
3 completed application form as described by Article 56.36(a) after  
4 redacting any confidential information described by Section  
5 552.132(b), Government Code. The release of a victim's completed  
6 application form under this subsection does not affect the  
7 authority of the court to order the release or disclosure of  
8 additional information under this article.

9        SECTION 2. The change in law made by this Act applies only  
10 to a request for information that is received on or after the  
11 effective date of this Act. A request for information that was  
12 received before the effective date of this Act is governed by the  
13 law in effect on the date the request was received, and the former  
14 law is continued in effect for that purpose.

15        SECTION 3. This Act takes effect September 1, 2017.