

By: Herrero

H.B. No. 2387

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

(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 for the purpose of determining the
17 appropriateness of an award under this subchapter;

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

20 (D) assert subrogation or restitution rights; or

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

24 SECTION 2. The change in law made by this Act applies only
25 to a request for information that is received on or after the
26 effective date of this Act. A request for information that was
27 received before the effective date of this Act is governed by the

1 law in effect on the date the request was received, and the former
2 law is continued in effect for that purpose.

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