

BILL ANALYSIS

Senate Research Center
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H.B. 685
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State Affairs
5/3/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 685 amends current law relating to immunity from liability of a court clerk and county for the disclosure or release of certain court documents and information contained in the court documents.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter G, Chapter 51, Government Code, by adding Section 51.609, as follows:

Sec. 51.609. IMMUNITY FROM LIABILITY FOR DISCLOSURE OR RELEASE OF COURT DOCUMENTS. (a) Defines "court clerk" and "state court document database."

(b) Provides that a court clerk is not responsible for the management or removal of a document from a state court document database and is not liable for damages resulting from the release of a document in the database if the clerk in good faith performs the duties as clerk as provided by law and the Texas Rules of Civil Procedure.

(c) Provides that if a court clerk in good faith performs the duties as a clerk as provided by law and the Texas Rules of Civil Procedure, the clerk, the county in which the court is located, and the commissioners court of the county in which the court is located are immune from suit and from liability for the release or disclosure of information that is confidential or otherwise prohibited from disclosure by law, rule, or court order and that is accessed from a state court document database.

(d) Provides that a court clerk is not liable for the release of a sealed or confidential document in the clerk's custody unless the clerk acted intentionally, or with malice, reckless disregard, or gross negligence in the release of the document.

SECTION 2. Effective date: upon passage or September 1, 2019.