

By: Clardy, White, Ashby, Lambert, et al.

H.B. No. 685

Substitute the following for H.B. No. 685:

By: Smith

C.S.H.B. No. 685

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to immunity from liability of a court clerk and county for  
3 the disclosure or release of certain court documents and  
4 information contained in the court documents.

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

6 SECTION 1. Subchapter G, Chapter 51, Government Code, is  
7 amended by adding Section 51.609 to read as follows:

8 Sec. 51.609. IMMUNITY FROM LIABILITY FOR DISCLOSURE OR  
9 RELEASE OF COURT DOCUMENTS. (a) In this section:

10 (1) "Court clerk" means the clerk of the supreme court  
11 or the court of criminal appeals or the clerk of a court of appeals  
12 district court, county court, statutory county court, statutory  
13 probate court, justice court, or municipal court.

14 (2) "State court document database" means a database  
15 accessible by the public and established or authorized by the  
16 supreme court for storing documents filed with a court in this  
17 state.

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

23 (c) If a court clerk in good faith performs the duties as a  
24 clerk as provided by law and the Texas Rules of Civil Procedure, the

1 clerk, the county in which the court is located, and the  
2 commissioners court of the county in which the court is located are  
3 immune from suit and from liability for the release or disclosure of  
4 information that is confidential or otherwise prohibited from  
5 disclosure by law, rule, or court order and that is accessed from a  
6 state court document database.

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

11 SECTION 2. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2019.