

By: Clardy

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 a district court,
11 county court, statutory county court, or probate court.

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

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

21 (c) A court clerk, the county in which the court is located,
22 and the commissioners court of the county in which the court is
23 located are immune from suit and from liability for the release or
24 disclosure by a third party of information that is confidential or

1 otherwise prohibited from disclosure by law, rule, or court order
2 and that is accessed from a state court document database.

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

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