

1-1 By: Clardy, et al. (Senate Sponsor - Hughes) H.B. No. 685
 1-2 (In the Senate - Received from the House April 24, 2019;
 1-3 April 25, 2019, read first time and referred to Committee on State
 1-4 Affairs; May 10, 2019, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 10, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to immunity from liability of a court clerk and county for
 1-20 the disclosure or release of certain court documents and
 1-21 information contained in the court documents.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter G, Chapter 51, Government Code, is
 1-24 amended by adding Section 51.609 to read as follows:

1-25 Sec. 51.609. IMMUNITY FROM LIABILITY FOR DISCLOSURE OR
 1-26 RELEASE OF COURT DOCUMENTS. (a) In this section:

1-27 (1) "Court clerk" means the clerk of the supreme court
 1-28 or the court of criminal appeals or the clerk of a court of appeals
 1-29 district court, county court, statutory county court, statutory
 1-30 probate court, justice court, or municipal court.

1-31 (2) "State court document database" means a database
 1-32 accessible by the public and established or authorized by the
 1-33 supreme court for storing documents filed with a court in this
 1-34 state.

1-35 (b) A court clerk is not responsible for the management or
 1-36 removal of a document from a state court document database and is
 1-37 not liable for damages resulting from the release of a document in
 1-38 the database if the clerk in good faith performs the duties as clerk
 1-39 as provided by law and the Texas Rules of Civil Procedure.

1-40 (c) If a court clerk in good faith performs the duties as a
 1-41 clerk as provided by law and the Texas Rules of Civil Procedure, the
 1-42 clerk, the county in which the court is located, and the
 1-43 commissioners court of the county in which the court is located are
 1-44 immune from suit and from liability for the release or disclosure of
 1-45 information that is confidential or otherwise prohibited from
 1-46 disclosure by law, rule, or court order and that is accessed from a
 1-47 state court document database.

1-48 (d) A court clerk is not liable for the release of a sealed
 1-49 or confidential document in the clerk's custody unless the clerk
 1-50 acted intentionally, or with malice, reckless disregard, or gross
 1-51 negligence in the release of the document.

1-52 SECTION 2. This Act takes effect immediately if it receives
 1-53 a vote of two-thirds of all the members elected to each house, as
 1-54 provided by Section 39, Article III, Texas Constitution. If this
 1-55 Act does not receive the vote necessary for immediate effect, this
 1-56 Act takes effect September 1, 2019.

1-57 * * * * *