

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 8, 2019**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB685** by Clardy (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.), **As Engrossed**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Government Code by removing a court clerk from any responsibility for the management or removal of documents from a state court database and waiving the liability of the clerk if a document is released if the clerk acted in good faith; waiving the liability of the court clerk, the county, and the county commissioner for the release or disclosure of certain confidential documents accessed by a third party from a state court document database; and waiving the liability of the court clerk from the release of a sealed or confidential document unless the clerk acted intentionally or with malice. The bill would define a court clerk to include the clerk of the Supreme Court of Texas, the Court of Criminal Appeals, any Court of Appeals district courts, all county courts, statutory county courts, statutory probate courts, justice courts, and municipal courts.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** WP, CMa, SLE, MW, DA