

By: Moody

H.B. No. 842

A BILL TO BE ENTITLED

AN ACT

relating to the disclosure in a criminal case of certain criminal history record information.

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

SECTION 1. Chapter 38, Code of Criminal Procedure, is amended by adding Article 38.51 to read as follows:

Art. 38.51. TIMELY DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION SUFFICIENT FOR PURPOSES OF CERTAIN NOTICE REQUIREMENTS. (a) In this article, "criminal history record information" has the meaning assigned by Section 411.082, Government Code.

(b) This article applies to the notice requirements relating to the state's intention to introduce evidence of other crimes, wrongs, or acts committed by the defendant or evidence of the prior criminal record of a potential witness in the case as permitted by:

- (1) Section 3, Article 37.07, or Article 38.37;
- (2) Rule 404 or 609, Texas Rules of Evidence; or
- (3) another law authorizing the introduction of that evidence following notice by the state.

(c) Notwithstanding any other law, if the attorney representing the state timely discloses to the defendant or the attorney representing the defendant criminal history record information in the original format in which the information was

1 retrieved from a database maintained by the Department of Public
2 Safety or the Federal Bureau of Investigation, including the Texas
3 Crime Information Center and National Crime Information Center, and
4 if that disclosure is made in accordance with Article 39.14, the
5 notice requirements described by Subsection (b) are satisfied with
6 respect to the criminal history record information contained in the
7 disclosure.

8 (d) Subsection (c) does not apply to criminal history record
9 information that the state intends to introduce for the purpose of
10 enhancing the punishment for an offense.

11 SECTION 2. Subchapter F, Chapter 411, Government Code, is
12 amended by adding Section 411.0844 to read as follows:

13 Sec. 411.0844. DISCLOSURE OF CRIMINAL HISTORY RECORD
14 INFORMATION IN CRIMINAL CASE. (a) An attorney representing the
15 state in a criminal case may disclose to the defendant or the
16 attorney representing the defendant criminal history record
17 information that relates to the defendant or a potential witness in
18 the case and that is obtained from the department or the Federal
19 Bureau of Investigation.

20 (b) The attorney representing the state shall provide with
21 the disclosure a copy of Section 411.085 providing criminal
22 penalties for the unauthorized obtaining, use, or disclosure of
23 criminal history record information.

24 SECTION 3. Article 38.51, Code of Criminal Procedure, as
25 added by this Act, applies only to a trial that begins on or after
26 the effective date of this Act, regardless of whether the alleged
27 offense was committed before, on, or after that date.

1 SECTION 4. This Act takes effect September 1, 2021.