

By: Bettencourt

S.B. No. 989

A BILL TO BE ENTITLED

AN ACT

relating to criminal history record information for certain master, magistrate, referee, associate judge, or other court official applicants appointed or employed to serve in a state court.

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

SECTION 1. Chapter 54, Government Code, is amended by adding Subchapter A to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 54.001. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENTS FOR APPLICANTS. (a) This section applies to an applicant seeking appointment or employment under this chapter in a court of this state as a master, magistrate, referee, associate judge, or other court official who assesses or determines the eligibility or amount of bail for a criminal defendant.

(b) A court shall require an applicant for a position described by Subsection (a) to submit a complete and legible set of fingerprints, on a form the Office of Court Administration of the Texas Judicial System prescribes, to the court or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(c) A court may not appoint or employ an applicant for a position described by Subsection (a) unless the court conducts a criminal history record check of the applicant using information:

1 (1) the applicant provides under this section; and

2 (2) the Department of Public Safety, the Federal
3 Bureau of Investigation, and any other criminal justice agency
4 under Subchapter F, Chapter 411, makes available to the court.

5 (d) A court may:

6 (1) enter into an agreement with the Department of
7 Public Safety to administer criminal history record checks required
8 under this section; and

9 (2) authorize the Department of Public Safety to
10 collect from each applicant the costs the department incurs in
11 conducting the criminal history record check.

12 SECTION 2. Subchapter F, Chapter 411, Government Code, is
13 amended by adding Section 411.14085 to read as follows:

14 Sec. 411.14085. ACCESS TO CRIMINAL HISTORY RECORD
15 INFORMATION: COURTS WITH CRIMINAL JURISDICTION. (a) A district
16 court, constitutional county court, statutory county court,
17 justice court, or municipal court with jurisdiction over criminal
18 cases is entitled to obtain from the department as authorized under
19 Section 54.001 criminal history record information the department
20 maintains that relates to an applicant for appointment or
21 employment as a master, magistrate, referee, associate judge, or
22 other court official who assesses or determines the eligibility or
23 amount of bail for a criminal defendant for that court.

24 (b) Criminal history record information a court obtains
25 under Subsection (a) may be used only to evaluate an applicant.

26 (c) The court may not release or disclose criminal history
27 record information the court obtains under Subsection (a) except

1 with the consent of the person who is the subject of the
2 information.

3 (d) After the expiration of any probationary term of the
4 person's appointment or employment, the court shall destroy all
5 criminal history record information the court obtains under
6 Subsection (a).

7 SECTION 3. This Act takes effect September 1, 2025.