

## **BILL ANALYSIS**

Senate Research Center  
78R8030 KCR-D

C.S.S.B. 519  
By: Duncan  
Criminal Justice  
3/5/2003  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, Texas allows criminal justice and health and human services agencies to share information among themselves for the purposes of efficiency and continuity of care. If the sharing of information is discontinued, then each agency will be required to conduct its own evaluation, diagnosis, assessment, and treatment which would increase local and state government budgets. C.S.S.B. 519 changes the permissive language in the Health and Safety Code to mandatory language in order to facilitate the sharing of health information among agencies.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 614.017(a), Health and Safety Code, to require, rather than authorize, an agency to accept information, rather than receive information, relating to a special needs offender that is sent to the agency to serve the purpose of this chapter regardless of whether other state law makes that information confidential; and to disclose such information, if the disclosure serves the purposes of this chapter, rather than if the agency discloses the information to further the purposes of this chapter.

SECTION 2. Amends Section 614.017(c)(1), Health and Safety Code, to redefine "agency." Makes conforming changes.

SECTION 3. Amends Section 508.313(c), Government Code, to require, rather than authorize, a community supervision and corrections department, on request or in the normal course of official business to provide information that is confidential and privileged under Subsection (a) to certain individuals and entities.

SECTION 4. Amends, if the Act of the 78th Legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes take effect, Sections 109.002 and 109.051- 109.053, Occupations Code, as follows:

Sec. 109.002. PURPOSE OF RELEASING INFORMATION. Provides that a person who is required, rather than authorized, by this chapter to release or obtain information may do so only for administration of criminal justice.

Sec. 109.051. RELEASE BY PERSONS PROVIDING MENTAL HEALTH OR MEDICAL SERVICES. (b) Requires, rather than authorizes, a person described by Subsection (a), on request or in the normal course of business, to release information concerning the treatment of a sex offender to certain entities and individuals, notwithstanding Title 3B, of this code or Chapter 611 (Mental Health Records), Health and Safety Code.

Sec. 109.052. RELEASE BY CRIMINAL JUSTICE AGENCY. Requires, rather than authorizes, a criminal justice agency, on request or in the normal course of official business to release information regarding the treatment of a sex offender to certain entities and individuals.

Sec. 109.053. RELEASE BY LOCAL LAW ENFORCEMENT AUTHORITY. Requires, rather than authorizes, a local law enforcement agency, on request or in the normal course of official business to release information concerning the treatment of a sex offender to certain entities and individuals.

SECTION 5. Amends, if the Act of the 78th legislature, Regular Session, 2003, relating to nonsubstantive additions to and corrections in enacted codes does not take effect, Sections 2, 3, and 4, Article 4512g-1, Revised Statutes, as follows:

Sec. 2. RELEASE OF INFORMATION. (a) Requires, rather than authorizes, a person described by Section 4 of this article, on request or in the normal course of official business to release information concerning the treatment of a sex offender to certain entities and individuals, notwithstanding Chapter 611, Health and Safety Code, or Chapter 159 (Physician-Patient Communication), Occupations Code, rather than the Medical Practice Act (Article 4495(b), V.T.C.S). Makes conforming changes.

(b) Makes conforming changes.

(c) Makes conforming changes.

Sec. 3. PURPOSE OF RELEASE. Provides that a person who is required, rather than authorized, by this article to release or obtain information may do so only for the administration of criminal justice.

Sec. 4. RELEASE OF INFORMATION BY PERSONS PROVIDING MENTAL HEALTH OR MEDICAL SERVICES. (a) Requires a person listed in Subsection (b), on request or in the normal course of business, to release information concerning the treatment of a sex offender to certain entities and individuals.

(b) Provides that this sections applies to certain persons.

SECTION 6. Repealer: Section 614.017(b), Health and Safety Code (regarding the exchange of information).

SECTION 7. Effective date: upon passage or September 1, 2003.

#### **SUMMARY OF COMMITTEE CHANGES**

SECTION 7. Differs from the As Filed version, which provided only a September 1, 2003, effective date, by allowing for this Act to take effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.