

## BILL ANALYSIS

Senate Research Center

H.B. 646  
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Criminal Justice  
5/17/2005  
Engrossed

### AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

H.B. 646 establishes a procedure for allowing the Office of the Attorney General to obtain the records needed to defend state convictions in federal court. Currently, there is a lack of clear guidelines for how the Office of the Attorney General should get such records from the various courts.

H.B. 646 requires that records requested by the Office of the Attorney General from district courts, county courts, state agencies, and offices of the attorneys representing to the state be turned over within 10 business days.

### 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 Article 2.23, Code of Criminal Procedure, as follows:

Art. 2.23. REPORT TO ATTORNEY GENERAL. (a) Creates this subsection from existing text. Requires the clerks of the district courts, statutory county courts, constitutional courts, and courts of appeal, when requested in writing by the attorney general, to report to the attorney general not later than the 10th day after the date the request is received, and in the form prescribed by the attorney general, information in court records that relates to a criminal matter, including information requested by the attorney general for purposes of federal habeas review. Deletes existing text requiring the clerks of the district and county courts, when required by the attorney general, to report to him at such times, and in accordance with such forms as he may direct, such information in relation to criminal matters as may be shown by their records.

(b) Prohibits the comptroller of public accounts (comptroller), if the attorney general notifies the comptroller of a clerk's failure to provide a report or record, rather than a report, as requested, from drawing any warrant in favor of the court, rather than in favor of said clerk, until the report or record has been provided to the attorney general. Makes conforming and nonsubstantive changes.

(c) Requires a state agency or the office of the attorney representing the state, when requested in writing by the attorney general, to provide to the attorney general any record that is needed for purposes of federal habeas review. Requires the agency or office to provide the record not later than the 10th day after the date the request is received and in the form prescribed by the attorney general.

(d) Prohibits a district court, statutory county court, constitutional county court, court of appeals, state agency, or office of an attorney representing the state from restricting or delaying the reproduction or delivery of a record requested by the attorney general under this article.

SECTION 2. Effective date: September 1, 2005.