

SUBJECT:	Sealing court records containing medical information for certain children
COMMITTEE:	Criminal Jurisprudence — favorable, without amendment
VOTE:	<p>9 ayes — Gallego, Fletcher, Hodge, Kent, Miklos, Moody, Pierson, Vaught, Vo</p> <p>0 nays</p> <p>2 absent — Christian, Riddle</p>
WITNESSES:	<p>For — John Hubert, (<i>Registered, but did not testify</i>: Katrina Daniels, for Bexar County District Attorney Susan D. Reed)</p> <p>Against — None</p>
BACKGROUND:	Medical records submitted as evidence in a court case become part of the court public record, even if the medical records are those of a child who was the victim of a violent or sexual offense.
DIGEST:	<p>A court would seal the medical records of a child who was the victim of a violent or sexual offense on a motion filed by:</p> <ul style="list-style-type: none"><li>• the state’s attorney;</li><li>• the defendant;</li><li>• the parent or guardian of the victim; or</li><li>• the victim, if the victim no longer was a child.</li></ul> <p>If the motion to seal the record was contested within seven days, the court would not be required to seal the medical record on a finding of good cause.</p> <p>Medical records that were sealed only could be opened:</p> <ul style="list-style-type: none"><li>• in connection with a criminal or civil proceeding, if required by law;</li><li>• on request of the victim’s parent or legal guardian;</li><li>• on request of the victim, if the victim no longer was a child; or</li><li>• on further order of the court after a finding of good cause and notice</li></ul>

to the victim's parent, legal guardian, or the victim if the victim no longer was a child.

A court clerk only would be liable for failure to seal a medical record on a showing of bad faith.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009. The bill only would apply to a motion to seal medical records made on or after the effective date.