

SUBJECT: Limiting the liability of court clerks for certain disclosures

COMMITTEE: Judiciary and Civil Jurisprudence — committee substitute recommended

VOTE: 8 ayes — Leach, Farrar, Julie Johnson, Krause, Meyer, Neave, Smith, White
0 nays
1 absent — Y. Davis

WITNESSES: For — Lynne Finley, County and District Clerks' Association of Texas; (*Registered, but did not testify:* Duane Peters, Brazos County; Patti Henry, Joyce Hudman, Stacey Kemp, Nancy Rister, and Cary Roberts, County and District Clerks' Association of Texas; Jim Lovell, County Judge, Houston County; Charles Reed, Dallas County Commissioners Court; Aimee Bertrand, Harris County Commissioners Court; Byron Ryder, Leon County Government; Tony Leago, Madison County; Russell Schaffner, Tarrant County; Lee Parsley, Texans for Lawsuit Reform; John Dahill, Texas Conference of Urban Counties; Deece Eckstein, Travis County Commissioners Court; Steve Young)

Against — None

On — (*Registered, but did not testify:* Lynn Holt, Justices of the Peace and Constables Association)

DIGEST: CSHB 685 would limit the liability of a court clerk and certain other entities in connection with the release of court documents from a database established or authorized by the Texas Supreme Court for storing court documents in the state.

Court clerks who performed their duties in good faith would not be liable for the release of a document from such a database. Under such circumstances, the clerk, the county in which the court was located, and the commissioners court of that county would be immune from suit and

liability for the release of any information confidential by law, rule, or court order that was accessed from such a database.

A court clerk also would not be liable for the release of a sealed or confidential document in the clerk's custody unless the clerk acted intentionally, or with malice, reckless disregard, or gross negligence in the release of the document.

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, 2019.