

AN ACT

relating to the provision of certain reports and records requested by the attorney general.

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

SECTION 1. Article 2.23, Code of Criminal Procedure, is amended to read as follows:

Art. 2.23. REPORT TO ATTORNEY GENERAL. (a) The clerks of the district and county courts shall, when requested in writing ~~[required]~~ by the Attorney General, report to the Attorney General ~~[him at such times]~~, and in the form prescribed by the Attorney General ~~[accordance with such forms as he may direct]~~, ~~[such]~~ information in court records that relates ~~[in relation]~~ to a criminal matter, including information requested by the Attorney General for purposes of federal habeas review ~~[matters as may be shown by their records]~~.

~~[When any district clerk has failed, neglected or refused to make any such report after being requested in writing by the Attorney General to make such report, the Attorney General shall notify in writing the Comptroller of Public Accounts of such failure, neglect or refusal, and said Comptroller shall not thereafter draw any warrant in favor of said clerk until said report has been filed with the Attorney General.]~~

(b) A state agency or the office of an attorney representing

1 the state shall, when requested in writing by the Attorney General,  
2 provide to the Attorney General any record that is needed for  
3 purposes of federal habeas review. The agency or office must  
4 provide the record not later than the 10th day after the date the  
5 request is received and in the form prescribed by the Attorney  
6 General.

7 (c) A district court, county court, state agency, or office  
8 of an attorney representing the state may not restrict or delay the  
9 reproduction or delivery of a record requested by the Attorney  
10 General under this article.

11 SECTION 2. This Act takes effect September 1, 2005.

David Newburt

President of the Senate

Jim Caddell

Speaker of the House

I certify that H.B. No. 646 was passed by the House on April 7, 2005, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 646 on May 26, 2005, by a non-record vote.

Robert Hamey  
Chief Clerk of the House

I certify that H.B. No. 646 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw  
Secretary of the Senate

APPROVED: 18 JUNE '05

Date

Rick Peery

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:15 AM O'CLOCK

Roger Williams  
Secretary of State