

SUBJECT: Sealing court records containing medical information for certain children

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Gallego, Fletcher, Hodge, Kent, Miklos, Moody, Pierson,
Vaught, Vo

0 nays

2 absent — Christian, Riddle

WITNESSES: For — John Hubert, (*Registered, but did not testify*: Katrina Daniels, for
Bexar County District Attorney Susan D. Reed)

Against — None

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: 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:

- the state's attorney;
- the defendant;
- the parent or guardian of the victim; or
- the victim, if the victim no longer was a child.

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.

Medical records that were sealed only could be opened:

- in connection with a criminal or civil proceeding, if required by law;
- on request of the victim's parent or legal guardian;
- on request of the victim, if the victim no longer was a child; or
- on further order of the court after a finding of good cause and notice

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.