

BILL ANALYSIS

Senate Research Center
81R10020 TJS-F

H.B. 3303
By: Kent et al. (Zaffirini)
Jurisprudence
4/28/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 672.009 (Use of Information and Records; Confidentiality), Health and Safety Code, makes it a Class A misdemeanor to disclose the business of the fatality review if done for a purpose other than the business of the review. A judge could order that the information be disclosed by a participant, regardless of the potential of that disclosure being a Class A misdemeanor.

H.B. 3303 amends current law relating to the use of information and records acquired during a fatality review and investigation. The bill establishes immunity from subpoena for certain types of information gathered in an adult fatality review and investigation which mirrors the child fatality statute.

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 Section 672.009, Health and Safety Code, by adding Subsection (e), to provide that information, documents, and records that are confidential as provided by this section are not subject to subpoena or discovery and may not be introduced into evidence in any civil or criminal proceeding. Provides that a document or other information that is otherwise available from another source is not protected from subpoena, discovery, or introduction into evidence under this subsection solely because the document or information was acquired by a review team in the exercise of its duties under this chapter.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.