

TEXAS GOVERNMENT CODE

§ 411.083. DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION.

(a) Criminal history record information maintained by the department is confidential information for the use of the department and, except as provided by this subchapter, may not be disseminated by the department.

(b) The department shall grant access to criminal history record information to:

- (1) criminal justice agencies;
- (2) noncriminal justice agencies authorized by federal statute or executive order or by state statute to receive criminal history record information;
- (3) the person who is the subject of the criminal history record information;
- (4) a person working on a research or statistical project that:
  - (A) is funded in whole or in part by state funds; or
  - (B) meets the requirements of Part 22, Title 28, Code of Federal Regulations, and is approved by the department;
- (5) an individual or an agency that has a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice under that agreement, if the agreement:
  - (A) specifically authorizes access to information;
  - (B) limits the use of information to the purposes for which it is given;
  - (C) ensures the security and confidentiality of the information; and
  - (D) provides for sanctions if a requirement imposed under Paragraph (A), (B), or (C) is violated;
- (6) a county or district clerk's office; and
- (7) the Office of Court Administration of the Texas Judicial System.

(c) The department may disseminate criminal history record information under Subsection (b)(1) only for a criminal justice purpose. The department may disseminate criminal history record information under Subsection (b)(2) only for a purpose specified in the statute or order. The department may disseminate criminal history record information under Subsection (b)(4) or (b)(5) only for a purpose approved by the department and only under rules adopted by the department. The department may disseminate criminal history record information under Subsection (b)(6) only to the extent necessary for a county or district clerk to perform a duty imposed by law to collect and report criminal court disposition information. Criminal history record information disseminated to a clerk under Subsection (b)(6) may be used by the clerk only to ensure that information reported by the clerk to the department is accurate and complete. The dissemination of information to a clerk under Subsection (b)(6) does not affect the authority of the clerk to disclose or use information submitted by the clerk to the

department. The department may disseminate criminal history record information under Subsection (b)(7) only to the extent necessary for the office of court administration to perform a duty imposed by law to compile court statistics or prepare reports. The office of court administration may disclose criminal history record information obtained from the department under Subsection (b)(7) in a statistic compiled by the office or a report prepared by the office, but only in a manner that does not identify the person who is the subject of the information.

(d) The department is not required to release or disclose criminal history record information to any person that is not in compliance with rules adopted by the department under this subchapter or rules adopted by the Federal Bureau of Investigation that relate to the dissemination or use of criminal history record information.

Added by Acts 1993, 73rd Leg., ch. 790, § 35, eff. Sept. 1, 1993.  
Amended by Acts 2001, 77th Leg., ch. 474, § 4, eff. Sept. 1, 2001.

**§ 411.084. USE OF CRIMINAL HISTORY RECORD INFORMATION.**

(a) Criminal history record information obtained from the department under this subchapter:

- (1) is for the exclusive use of the authorized recipient of the information; and
- (2) may be disclosed or used by the recipient only if, and only to the extent that, disclosure or use is authorized or directed by:
  - (A) this subchapter;
  - (B) another statute;
  - (C) a rule adopted under a statute; or
  - (D) an order of a court of competent jurisdiction.

(b) Notwithstanding Subsection (a) or any other provision in this subchapter, criminal history record information obtained from the Federal Bureau of Investigation may be released or disclosed only to a governmental entity or as authorized by federal statute, federal rule, or federal executive order.

Added by Acts 1993, 73rd Leg., ch. 790, § 35, eff. Sept. 1, 1993.  
Amended by Acts 2003, 78th Leg., ch. 296, § 1, eff. Sept. 1, 2003.

**§ 411.085. UNAUTHORIZED OBTAINING, USE, OR DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION; PENALTY.**

(a) A person commits an offense if the person knowingly or intentionally:

- (1) obtains criminal history record information in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information;

(2) provides a person with a copy of the person's criminal history record information obtained from the department; or  
(3) violates a rule of the department adopted under this subchapter.

(b) An offense under Subsection (a) is a Class B misdemeanor, except as provided by Subsection (c).

(c) An offense under Subsection (a) is a felony of the second degree if the person:

(1) obtains, uses, or discloses criminal history record information for remuneration or for the promise of remuneration;  
or

(2) employs another person to obtain, use, or disclose criminal history record information for remuneration or for the promise of remuneration.

(d) The department shall provide each person who applies for access to criminal history record information maintained by the department with a copy of this section.

Added by Acts 1993, 73rd Leg., ch. 790, § 35, eff. Sept. 1, 1993.