

IN THE COUNTY COURTS-AT-LAW
OF HAYS COUNTY TEXAS

FILED

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STANDING ORDER FOR DISCOVERY AND DISCLOSURE AND PROTECTION
OF CRIMINAL HISTORY RECORD INFORMATION, MEDICAL RECORDS
COVERED BY HIPAA, AND CERTAIN PROTECTED HEALTH INFORMATION
RELEVANT TO THE PROSECUTION OF CRIMINAL CASES

BE IT REMEMBERED that on the 22nd day of February, 2024, the undersigned County Court-at-Law Judges of Hays County, Texas, adopt this Standing Order for Discovery and Disclosure and Protection of Criminal History Record Information, Medical Records Covered by HIPAA, and Certain Personal Health Information Relevant to the Prosecution of Criminal Cases to facilitate the exchange and disclosure of discoverable information in the possession of the State of Texas pursuant to Article 39.14 of the Texas Code of Criminal Procedure (hereinafter referred to as "Article 39.14"). This order applies only to criminal cases and is effective immediately as follows:

CRIMINAL HISTORY RECORD INFORMATION

To ensure compliance with Section 411.084 of the Texas Government Code, the Hays County Courts at Law (hereafter "the Hays CCL Courts") hereby order the Hays County Criminal District Attorney (hereafter "the District Attorney") to disclose the criminal history record information of defendants in the criminal cases filed in the Hays CCL Courts, and any criminal history record information of witnesses as required under Article 39.14(h), to the attorney of record for the defendant in the case pertaining to the file, or to a designated defense participant other than the defendant.

The Hays CCL Courts further order that defense attorneys or designated defense participants receiving or using the information obtained by this order shall comply with the provisions of Chapter 411 of the Texas Government Code and Article 39.14 relating to the use and dissemination of criminal history record information and shall refrain from conduct that would constitute a violation of Section 411.085 of the Government Code.


Nothing in this order requires the District Attorney to conduct further investigation or inquiry into criminal history record information unless the Hays CCL Courts or the law require or order further investigation or inquiry.

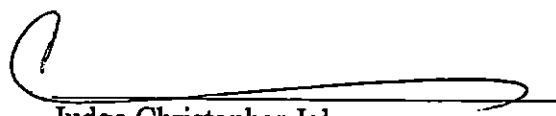
PROTECTED HEALTH INFORMATION AND MEDICAL RECORDS COVERED BY HIPAA

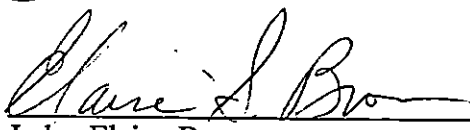
To ensure compliance with the Health Insurance Portability and Accountability Act (hereafter "HIPAA") and related state and federal laws and regulations related to privacy protections connected to medical records, the Hays CCL Courts hereby order the District Attorney to disclose any protected health information in their custody related to criminal cases filed in the above-referenced courts, whether of defendants or witnesses, in accordance with Article 39.14, to the attorney of record for the defendant in the case pertaining to the file, or to a designated defense participant other than the defendant.

The Hays CCL Courts further order that defense attorneys receiving or using the information obtained by this order shall comply with the provisions of HIPAA and any related privacy rules, the Texas Medical Records Privacy Act, and Texas Code of Criminal Procedure Article 39.14, regarding the use and dissemination of protected health information. Nothing in this order requires the District Attorney to conduct further investigation or inquiry into protected health information unless the Hays CCL Courts or the law require or order further investigation or inquiry.

IT IS SO ORDERED this 22nd day of February, 2024.



Judge Jimmy Alan Hall
County Court-at-Law No. 1

Judge Christopher Johnson
County Court-at-Law No. 2

Judge Elaine Brown
County Court-at-Law No. 3