

Drafting Exercise 1

Sec. 1234. MEDICAL RECORDS. (a) In this section, "felony" means a sexual assault, and "medical records" means any information used or generated by a health care provider or providers, which may include records relating to emergency room treatment, rehabilitation therapy, or counseling.

(b) On a motion filed on the court's own motion or by the attorney representing the state, the defendant, or the parent or guardian of the victim or, if the victim is no longer a child, the victim, the court shall seal any records of the court that contain the medical records of a minor that is younger than 18 years of age and the victim of a felony.

(c) The court shall hold a hearing on a motion that is contested within seven days from the date the motion is filed. The court is authorized to but is not required to hold a hearing on a motion that is not contested as described by this subsection.

(d) A clerk of the court is not liable if the clerk of the court fails to seal medical records after a motion is granted under this section except on a showing of bad faith. The duty of a court under this section becomes optional at the court's sole discretion when the court finds good cause after a hearing held under Subsection (c).