

## **BILL ANALYSIS**

S.B. 443  
By: Wentworth  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, under Section 411.126 (Access to Criminal History Record Information: Volunteer Centers) of the Government Code, volunteer centers are entitled to obtain criminal history record information. However, the manner in which volunteer centers is defined precludes certain nonprofit programs from obtaining certain criminal history records from the Department of Public Safety. These programs include the YMCA and youth soccer leagues. Senate Bill 443 allows nonprofit organizations which provide activities for children to perform background checks on a person who is a volunteer or is applying to be a volunteer of the activity provider.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Department of Public Safety in SECTION 1 (Section 411.1401, Government Code) of this bill.

### **ANALYSIS**

Senate Bill 443 amends the Government Code to entitle an activity provider to obtain from the Department of Public Safety (DPS) criminal history record information that relates to a person who is a volunteer or a volunteer applicant of the activity provider. The DPS may establish rules governing the administration of these provisions. Criminal history record information may be used only to determine the suitability of a person for a position as a volunteer and may not be kept or retained in any file. The information must be destroyed promptly after a determination of suitability is made. The bill prohibits release of criminal history record information, except in certain situations.

The bill provides that an employee, officer, or volunteer of an activity provider is not liable in a civil action for damages resulting from a failure to comply unless the act or omission of the employee, officer, or volunteer was intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

### **EFFECTIVE DATE**

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.