

BILL ANALYSIS

S.B. 1459
By: Lindsay
County Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law authorizes a variety of state and local governmental entities to request criminal history record information from the Texas Department of Public Safety on job applicants to ensure that criminals are not performing vital government functions such as public safety responsibilities. County fire marshals coordinate the delivery of essential fire and emergency medical services for unincorporated areas of counties and would like to be able to screen potential employees of these agencies for criminal history. S.B. 1459 authorizes a county fire marshal to request criminal history record information on potential employees of their agencies and other fire and emergency medical services agencies in unincorporated areas of the county and to share that information with those agencies.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 411F, Government Code, by adding Section 411.1237, as follows:

Sec. 411.1237. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COUNTY FIRE MARSHALS. (a) Provides that on request of the department chief or chief executive of a fire department or an emergency medical services provider for an unincorporated area, a county fire marshal is entitled to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to certain individuals.

(b) Authorizes a county fire marshal to disclose the criminal history record information obtained under Subsection (a) to the department chief or chief executive of the requesting fire department or emergency medical services provider, except that the county fire marshal may disclose criminal history record information obtained by DPS from the Federal Bureau of Investigation only to governmental entities or as authorized by federal law, federal executive order, or federal rule.

SECTION 2. Effective date: September 1, 2003.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.