

BILL ANALYSIS

Senate Research Center
79R5611 UM-D

S.B. 689
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Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current federal law regulates the dissemination of information maintained in an individual's criminal history record. Criminal history checks on possible employees are currently done at the state level at health care facilities, but not on the national level. People with a criminal history can come to Texas, pass the background check, and gain employment within the state's nursing homes or other facilities because they do not have a criminal history in Texas.

S.B. 689 requires the Texas Department of Public Safety (DPS) to conduct a feasibility study regarding the creation of a clearinghouse at DPS to perform background checks on potential employees at the state and federal levels. It requires DPS to study and assess the creation of a federal criminal history record clearinghouse with the input of appropriate state agencies, nursing home advocates, and other volunteer organizations. The study must determine the manner in which material contained in the federal record may be categorized for release in a manner that complies with federal regulations, estimate the cost of the clearinghouse, and identify barriers to implementation and provide possible solutions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. (a) Requires the Department of Public Safety (DPS) to conduct a feasibility study regarding the creation of a federal criminal history record clearinghouse at DPS to allow access to federal criminal history record information for persons with a need for that access without violating federal regulations regarding the dissemination of that information.

(b) Requires DPS, in completing the study, to seek input from specific persons interested in accessing federal criminal history record information.

(c) Sets forth requirements for the feasibility study.

(d) Requires DPS to complete the study and report to the legislature on or before September 1, 2006.

(e) Provides that this Act expires September 1, 2007.

SECTION 2. Effective date: September 1, 2005.