

BILL ANALYSIS

Senate Research Center

S.B. 885
By: Whitmire
Criminal Justice
5/28/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state appellate courts are requesting to have the ability to perform criminal background checks on any potential employees, volunteers, or appointees of the court.

S.B. 885 authorizes state appellate courts to access criminal history record information that relates to a person who is an applicant for employment with the court, a volunteer position with the court, or an appointment made by the court.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.1406, as follows:

Sec. 411.1406. ACCESS TO CRIMINAL HISTORY INFORMATION: APPELLATE COURTS. (a) Defines "appellate court."

(b) Entitles an appellate court to obtain from the Texas Department of Public Safety (DPS) criminal history record information (information) maintained by DPS that relates to a person who is an applicant for employment with the court, a volunteer position with the court, or an appointment made by the court.

(c) Authorizes the information obtained to be used only for the purpose of evaluating an applicant.

(d) Prohibits the court from releasing or disclosing information obtained under Subsection (b) except on order of a district court.

(e) Requires the court to destroy all information obtained under Subsection (b), after the expiration of any probationary term of the person's employment, volunteer status, or appointment.

(f) Entitles an appellate court to obtain from DPS information maintained by DPS that relates to a person who is a volunteer to, or an employee or appointee, of the court.

(g) Authorizes the information obtained by the court under Subsection (f) to be used only for the purpose of evaluating an employee's employment with the court, a volunteer's volunteer status with the court, or an appointee's appointment by the court.

(h) Prohibits the court from releasing or disclosing information obtained under Subsection (f) except on order of a district court.

(i) Requires the court to destroy all information obtained under Subsection (f) before January 1, 2008.

(j) Provides that Subsections (f)-(i) and this subsection expire January 1, 2008.

SECTION 2. Effective date: September 1, 2007.