

## **BILL ANALYSIS**

S.B. 885  
By: Whitmire  
Judiciary  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The state appellate courts are requesting the ability to perform criminal background checks. The bill authorizes state appellate courts to obtain 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**

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 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 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.

### **EFFECTIVE DATE**

September 1, 2007.