

## **BILL ANALYSIS**

S.B. 1196  
By: Whitmire  
County Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The Harris County Attorney's Office engages in a wide array of criminal justice activities. Yet unlike most county attorneys' offices, it has no specific criminal prosecution jurisdiction under the statute creating it. Consequently, unlike other attorneys who have both civil and criminal jurisdiction, the authority of the office to access criminal history information is unclear since it may or may not be considered a criminal justice agency.

As proposed, S.B. 1196 authorizes a county attorney in a county with a population of 3.3 million or more to obtain criminal history records for a person who has applied for employment in the county or for a matter that falls within the county attorney's authority.

### **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 RECORD INFORMATION: COUNTY ATTORNEY IN A COUNTY WITH A POPULATION OF 3.3 MILLION OR MORE. Entitles a county attorney in a county with population of 3.3 million or more to obtain criminal history record information maintained by the Department of Public Safety relating to a matter falling within the authority of the county attorney as specified by Section 45.201 (regarding the county attorney's representation of Harris County in civil matters before the courts) or relating to a person applying for employment by the county.

SECTION 2. Effective date: upon passage or September 1, 2007.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.