

BILL ANALYSIS

H.B. 4020
By: Rios Ybarra
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The U.S. Department of Veterans Affairs (VA) currently provides office space, Internet access and support, telephone, and utilities to approximately one-third of Texas Veterans Commission (TVC) employees at no cost to Texas. The VA has initiated new security measures requiring all personnel in VA facilities who access a computer to undergo a criminal background check. Criminal background checks must be provided by TVC on affected employees to the VA at its own expense; however, TVC has no authority to conduct criminal background checks on its employees under current law. The cost to TVC of conducting criminal background checks is negligible in comparison to the cost of relocation, rent on new facilities, and setting up and providing Internet, telephone, and utilities for these employees.

H.B. 4020 entitles TVC to obtain from the Department of Public Safety of the State of Texas, the Federal Bureau of Investigation identification division, or another law enforcement agency criminal history record information that relates to certain TVC employees, consultants, interns, volunteers, contractors, subcontractors, and applicants for any of these positions.

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

H.B. 4020 amends the Government Code to entitle the Texas Veterans Commission to obtain from the Department of Public Safety of the State of Texas, the Federal Bureau of Investigation identification division, or another law enforcement agency criminal history record information that relates to a person who is an employee or an applicant for employment with the commission; is a consultant, intern, or volunteer for the commission or an applicant to serve as a consultant, intern, or volunteer; proposes to enter into a contract with or has a contract with the commission to perform services for or supply goods to the commission; or is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to the commission. The bill prohibits the release or disclosure of criminal history record information obtained by the commission to any person except on court order, with the consent of the person who is the subject of the criminal history record information, or to a federal agency as required by federal law or executive order. The bill requires the commission to destroy the criminal history record information after it is used. The bill authorizes the commission to provide a copy of the criminal history record information to the individual who is the subject of the information. The bill provides that the failure or refusal to provide on request a complete set of fingerprints, a true and complete name, or other information necessary for a law enforcement entity to provide a criminal history record constitutes good cause for dismissal or refusal to hire.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.