

## **BILL ANALYSIS**

Senate Research Center  
81R3164 CLG-F

S.B. 1056  
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Jurisprudence  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

During the 80th Legislature, Regular Session, 2007, S.B. 505 was passed, granting the Guardianship Certification Board (GCB) the authority to obtain criminal history record information from both the Department of Public Safety and the Federal Bureau of Investigation. However, if an applicant to GCB has a criminal history but has obtained an order of nondisclosure under Section 411.081 (Application of Subchapter), Government Code, the GCB will not receive information about the criminal history covered by the order unless GCB is included in the list of agencies in Section 411.081(i) (relating to the agencies on entities to which a criminal justice agency is authorized to disclose information) that are authorized to receive such information.

County clerks can obtain criminal history record information under Section 411.1386 (Access to Criminal History Record Information: Court Clerk; Department of Aging and Disability Services; Guardianships), Government Code, in connection with the appointment of a guardian, but are not currently included under Section 411.081(i). Because of the position of trust involved in a guardianship, access to criminal history record information is particularly important if the crimes involve abuse, neglect, financial exploitation, or moral turpitude.

As proposed, S.B. 1056 authorizes a criminal justice agency to disclose to GCB and county clerks complete criminal history record information on applicants for applicants seeking certification as guardians and potential guardians.

### **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. Amends Section 411.081(i), Government Code, as follows:

- (i) Authorizes a criminal justice agency to disclose criminal history record information that is the subject of an order of nondisclosure to certain noncriminal justice agencies or entities only, including the Guardianship Certification Board, and a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII (Guardianship), Texas Probate Code.

SECTION 2. Effective date: upon passage or September 1, 2009.