

BILL ANALYSIS

S.B. 1081
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to a 2008 survey conducted by the State Auditor's Office, 130 state agencies are authorized by 106 separate statutes to obtain confidential criminal history record information from the Texas Department of Public Safety for the purposes of conducting criminal history background checks on job applicants, employees, licensees, contractors and others. However, under Chapter 411 (Department of Public Safety of the State of Texas), Government Code, only the Office of the Attorney General's (OAG) criminal justice, child support and information technology divisions are authorized to conduct criminal history background checks through DPS records. In order for the OAG to implement an agency-wide criminal history background check policy that would apply uniformly across all OAG divisions, additional statutory authorization is needed.

As proposed, S.B. 1081 authorizes OAG to obtain criminal history record information from DPS, the Federal Bureau of Investigation (FBI) identification division, or another law enforcement agency; prohibits the release of such information without a court order or with the consent of the person who is the subject of the criminal history record information; and requires OAG to destroy such information after the information is used for its authorized purpose.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.1271, as follows:

Sec. 411.1271. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: OFFICE OF THE ATTORNEY GENERAL. (a) Entitles the office of the attorney general (OAG) to obtain from the Department of Public Safety of the State of Texas (DPS), the Federal Bureau of Investigation (FBI) identification division, or another law enforcement agency criminal history record information maintained by DPS or an agency that relates to a person who is an applicant for a position of employment with OAG or an applicant to serve as a consultant, intern, or volunteer for the OAG.

(b) Entitles OAG to obtain from DPS, the FBI identification division, or another law enforcement agency criminal history record information maintained by DPS or an agency that relates to a person who proposes to enter into a contract with or who has a contract with OAG to supply goods or services to OAG. Provides that the authorization under this subsection to obtain criminal history record information about a person includes information relating to an employee or subcontractor of the person or an employee of the person's subcontractor.

(c) Prohibits criminal history record information obtained by OAG under Subsection (a) or (b) from being released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(d) Requires OAG to destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

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

EFFECTIVE DATE

Upon passage or September 1, 2009.