

BILL ANALYSIS

S.B. 2163
By: Ellis
Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Texas Veterans Commission (TVC) does not have the authority to obtain criminal history record information on its employees. If TVC is to remain compliant with the Department of Veterans Affairs security requirements, it must have the ability to obtain criminal history record information.

SB 2163 entitles TVC to obtain from various law enforcement agencies criminal history record information relating to an employee, applicant, consultant, intern, volunteer, contractor, or subcontractor of TVC.

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

SB 2163 amends Subchapter F, Chapter 411, Government Code, by adding Section 411.1211, to entitle the Texas Veterans Commission to obtain from the Department of Public Safety of the State of Texas, the Federal Bureau of Investigation Criminal Justice Information Services 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

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