

By: Rios Ybarra, Ortiz, Jr.

H.B. No. 4020

A BILL TO BE ENTITLED

1 AN ACT

2 relating to access to criminal history record information by the
3 Texas Veterans Commission.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter F, Chapter 411, Government Code, is
6 amended by adding Section 411.1211 to read as follows:

7 Sec. 411.1211. ACCESS TO CRIMINAL HISTORY RECORD
8 INFORMATION: TEXAS VETERANS COMMISSION. (a) The Texas Veterans
9 Commission is entitled to obtain from the department, the Federal
10 Bureau of Investigation identification division, or another law
11 enforcement agency criminal history record information maintained
12 by the department, division, or agency that relates to a person who:

13 (1) is an employee or an applicant for employment with
14 the commission;

15 (2) is a consultant, intern, or volunteer for the
16 commission or an applicant to serve as a consultant, intern, or
17 volunteer;

18 (3) proposes to enter into a contract with or has a
19 contract with the commission to perform services for or supply
20 goods to the commission; or

21 (4) is an employee or subcontractor, or an applicant
22 to be an employee or subcontractor, of a contractor that provides
23 services to the commission.

24 (b) Criminal history record information obtained by the

1 Texas Veterans Commission under Subsection (a) may not be released
2 or disclosed to any person except:

- 3 (1) on court order;
4 (2) with the consent of the person who is the subject
5 of the criminal history record information; or
6 (3) to a federal agency as required by federal law or
7 executive order.

8 (c) The Texas Veterans Commission shall destroy criminal
9 history record information obtained under this section after the
10 information is used for the purposes authorized by this section.

11 (d) The Texas Veterans Commission may provide a copy of the
12 criminal history record information obtained from the department,
13 the Federal Bureau of Investigation identification division, or
14 other law enforcement agency to the individual who is the subject of
15 the information.

16 (e) The failure or refusal to provide the following on
17 request constitutes good cause for dismissal or refusal to hire:

- 18 (1) a complete set of fingerprints;
19 (2) a true and complete name; or
20 (3) other information necessary for a law enforcement
21 entity to provide a criminal history record.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.