

1-1 By: Ellis S.B. No. 2163
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Veteran Affairs and
1-4 Military Installations; April 6, 2009, reported favorably by the
1-5 following vote: Yeas 4, Nays 0; April 6, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to access to criminal history record information by the
1-9 Texas Veterans Commission.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter F, Chapter 411, Government Code, is
1-12 amended by adding Section 411.1211 to read as follows:

1-13 Sec. 411.1211. ACCESS TO CRIMINAL HISTORY RECORD
1-14 INFORMATION: TEXAS VETERANS COMMISSION. (a) The Texas Veterans
1-15 Commission is entitled to obtain from the department, the Federal
1-16 Bureau of Investigation Criminal Justice Information Services
1-17 Division, or another law enforcement agency criminal history record
1-18 information maintained by the department, division, or agency that
1-19 relates to a person who:

1-20 (1) is an employee or an applicant for employment with
1-21 the commission;

1-22 (2) is a consultant, intern, or volunteer for the
1-23 commission or an applicant to serve as a consultant, intern, or
1-24 volunteer;

1-25 (3) proposes to enter into a contract with or has a
1-26 contract with the commission to perform services for or supply
1-27 goods to the commission; or

1-28 (4) is an employee or subcontractor, or an applicant
1-29 to be an employee or subcontractor, of a contractor that provides
1-30 services to the commission.

1-31 (b) Criminal history record information obtained by the
1-32 Texas Veterans Commission under Subsection (a) may not be released
1-33 or disclosed to any person except:

1-34 (1) on court order;

1-35 (2) with the consent of the person who is the subject
1-36 of the criminal history record information; or

1-37 (3) to a federal agency as required by federal law or
1-38 executive order.

1-39 (c) The Texas Veterans Commission shall destroy criminal
1-40 history record information obtained under this section after the
1-41 information is used for the purposes authorized by this section.

1-42 (d) The Texas Veterans Commission may provide a copy of the
1-43 criminal history record information obtained from the department,
1-44 the Federal Bureau of Investigation Criminal Justice Information
1-45 Services Division, or other law enforcement agency to the
1-46 individual who is the subject of the information.

1-47 (e) The failure or refusal to provide the following on
1-48 request constitutes good cause for dismissal or refusal to hire:

1-49 (1) a complete set of fingerprints;

1-50 (2) a true and complete name; or

1-51 (3) other information necessary for a law enforcement
1-52 entity to provide a criminal history record.

1-53 SECTION 2. This Act takes effect immediately if it receives
1-54 a vote of two-thirds of all the members elected to each house, as
1-55 provided by Section 39, Article III, Texas Constitution. If this
1-56 Act does not receive the vote necessary for immediate effect, this
1-57 Act takes effect September 1, 2009.

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