

BILL ANALYSIS

H.B. 2632
By: Driver
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

According to a recent Texas state agency survey, a large number of state agencies are authorized by over 100 separate statutes to obtain confidential criminal history record information from the Texas Department of Public Safety (DPS) for the purposes of conducting criminal history background checks on job applicants, employees, licensees, contractors, and others. However, the Texas Facilities Commission (TFC) does not currently have this authorization. As the custodian of certain state properties, the TFC provides access control and security surveillance systems for buildings on the TFC-managed inventory and for the occupying tenant agencies of those properties. Additionally, in the course of the assigned work or contract activities, various employees and contractors of the TFC have daily access to areas throughout the offices of all tenant agencies, including highly sensitive or restricted areas. Due to heightened security concerns and increased access control measures throughout the capitol complex, additional statutory authorization is needed for the TFC to obtain criminal history record information to ensure appropriate security standards and protocols are maintained in the assignment of individuals to work activities. H.B. 2632 addresses this issue by entitling the Texas Facilities Commission to obtain criminal history record information maintained by DPS

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

H.B. 2632 amends the Government Code to entitle the Texas Facilities Commission to obtain from the Department of Public Safety criminal history record information maintained by the department 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 such criminal history record information obtained by the commission 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.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.