

BILL ANALYSIS

S.B. 568
By: Williams
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, institutions of higher education house a large number of students in on-campus housing. To ensure the safety of those in the dorms and on campus, the schools would like to perform criminal history checks on students that are applying to live in those types of housing.

S.B. 568 amends Section 411.094 (Access to Criminal History Record Information: Public or Private Institution of Higher Education; Security-Sensitive Position), Government Code, allowing public institutions of higher education to obtain criminal history record information of a student applying to reside in on-campus housing at their institution.

The housing office or the chief of police of the institution will be the only entities allowed access to the DPS secure site and the criminal history record will not be released or disclosed. The only reasons the criminal history record could be released would be through a court order or with the student's consent. After the beginning of the academic period, it will be destroyed by the chief of police or the housing office of the institution.

As proposed, S.B. 568 amends current law relating to access by a public institution of higher education to the criminal history record information of certain persons seeking to reside in on-campus housing.

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

SECTION 1. Amends the heading to Section 411.094, Government Code, to read as follows:

Sec. 411.094. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION; SECURITY-SENSITIVE POSITION.

SECTION 2. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.0945, as follows:

Sec. 411.0945. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PUBLIC INSTITUTION OF HIGHER EDUCATION; ON-CAMPUS STUDENT HOUSING. (a) Defines "institution of higher education."

(b) Entitles an institution of higher education to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a student, or to an applicant for admission as a student, who applies to reside in on-campus housing at the institution.

(c) Authorizes the criminal history record information obtained by an institution of higher education under Subsection (b) to be used by the chief of police of the institution or by the institution's housing office only for the purposes of evaluating

current students or applicants for enrollment who apply to reside in on-campus housing at the institution.

(d) Prohibits criminal history record information received by an institution of higher education under Subsection (b) to be 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.

(e) Requires that all criminal history record information obtained about a person under Subsection (b), as soon as practicable after the beginning of the academic period for which the person's housing application was submitted, be destroyed by the chief of police of the institution or by the institution's housing office, as applicable.

SECTION 3. Provides that the change in law made by this Act applies only to a person who applies to reside in on-campus housing at a public institution of higher education for a academic period that begins on or after the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2011.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2011.