

BILL ANALYSIS

Senate Research Center

S.B. 146
By: Williams
Higher Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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

S.B. 146 amends the Government Code to allow an institution of higher education to obtain criminal history record information regarding a student applying to reside in on-campus housing at that institution.

The housing office or the chief of police of the institution will be the only entities allowed access to information maintained by the Department of Public Safety of the State of Texas. The criminal history record information cannot be released except by court order or with the student's consent. At the beginning of the academic period, the criminal history records will be destroyed either by the chief of police of the institution or the institution's housing office.

S.B. 146 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

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION 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:
HIGHER EDUCATION ENTITIES; 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" in this section.

(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 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 purpose of evaluating current students or applicants for enrollment who apply to reside in on-campus housing at the institution. Requires the institution to notify a student who is the

subject of the criminal history record information of any use of the information to deny the student the opportunity 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) 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.

(e) Requires that all criminal history record information obtained about a person under Subsection (b), including any copy of the content of that information held by the institution, 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 of higher education 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 an academic period that begins on or after the effective date of this Act.

SECTION 4. Effective date: upon passage or September 1, 2013.