

## **BILL ANALYSIS**

S.B. 2200  
By: Kolkhorst  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been noted that there is a need to clarify the authority of the Health and Human Services Commission to conduct background checks of certain staff, licensees, and employees and volunteers of certain entities. S.B. 2200 seeks to provide such clarification by making certain updates to the applicable statutory provisions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of the Department of Family and Protective Services in SECTION 6 of this bill.

### **ANALYSIS**

S.B. 2200 amends the Government Code to clarify the continued entitlement to obtain criminal history record information from the applicable sources by certain health and human services agencies and by the Health and Human Services Commission (HHSC) and the executive commissioner of HHSC with respect to a function transferred to HHSC under statutory provisions relating to the consolidation of the health and human services system. The bill makes applicable conforming changes regarding the entitlements and the use of the information and requires the commissioner of the Department of Family and Protective Services (DFPS) to adopt rules to prevent the harassment of an employee or volunteer through the request and use of criminal records. The bill limits the criminal history record information that DFPS or HHSC may release to an adult who resides with an alleged victim of abuse, neglect, or exploitation and with the alleged perpetrator or to an elderly person or a person with a disability who is an alleged victim of that conduct to such information those entities obtain from the Department of Public Safety's computerized criminal history system.

S.B. 2200 repeals Section 411.114(d), Government Code.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.