

BILL ANALYSIS

Senate Research Center
80R8831 JRH-F

S.B. 885
By: Whitmire
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state appellate courts are requesting to have the ability to perform criminal background checks on any potential employees.

As proposed, S.B. 885 authorizes state appellate courts to access criminal history record information that relates to a person who is an applicant for employment.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.1406, as follows:

Sec. 411.1406. ACCESS TO CRIMINAL HISTORY INFORMATION: APPELLATE COURTS. (a) Defines "appellate court."

(b) Entitles an appellate court to obtain from the Texas Department of Public Safety (DPS) criminal history record information (information) maintained by DPS that relates to a person who is an applicant for employment with the court.

(c) Authorizes the information obtained to be used only for the purpose of evaluating an applicant for employment with the court.

(d) Prohibits the court from releasing or disclosing information obtained under Subsection (b) except on order of a district court.

(e) Requires the court to destroy all information obtained under Subsection (b), after the expiration of any probationary term of the person's employment.

(f) Entitles an appellate court to obtain from DPS information maintained by DPS that relates to a person who is an employee of the court.

(g) Authorizes the information obtained by the court under Subsection (f) to be used only for the purpose of evaluating an employee's employment with the court.

(h) Prohibits the court from releasing or disclosing information obtained under Subsection (f) except on order of a district court.

(i) Requires the court to destroy all information obtained under Subsection (f) before January 1, 2008.

(j) Provides that Subsections (f)-(h) and this subsection expire on January 1, 2008.

SECTION 2. Effective date: September 1, 2007.