

BILL ANALYSIS

Senate Research Center
83R2253 ADM-F

S.B. 128
By: Nelson
Health & Human Services
2/15/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 128 allows the Department of Assistive and Rehabilitative Services (DARS) to better connect clients to employment and training programs by making the agency's authority to obtain criminal background checks consistent across all programs. Currently, DARS is authorized to conduct background checks on all agency employees and on individuals enrolled in the General Vocational Rehabilitation Program, but DARS is not authorized to conduct background checks on individuals enrolled in the newly formed Vocational Rehabilitation Program for the Blind (VR-B). This bill authorizes DARS to obtain background checks for individuals enrolled in VR-B to ensure that such individuals are not precluded from finding employment because of a criminal history.

As proposed, S.B. 128 amends current law relating to criminal history record information concerning certain applicants and clients of the Department of Assistive and Rehabilitative Services.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the board of the Texas Rehabilitative Commission is transferred to the executive commissioner of the Health and Human Services Commission in SECTION 2 (Section 117.034, Human Resources Code) of this bill.

Rulemaking authority previously granted to Texas Commission for the Blind is rescinded in SECTION 3 (Section 91.0165, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.117, Government Code, as follows:

Sec. 411.117. New heading: ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES. Entitles the Department of Assistive and Rehabilitative Services (DARS), rather than the Texas Rehabilitative Commission (TRC), 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 person who is:

- (1) an applicant for services of DARS, rather than for rehabilitation services of TRC; and
- (2)-(3) Makes conforming changes.

SECTION 2. Transfers Sections 111.058 and 111.0581, Human Resources Code, to Subchapter B, Chapter 117, Human Resources Code, redesignates them as Sections 117.003 and 117.034, Human Resources Code, and amends them as follows:

Sec. 117.033. New heading: CRIMINAL HISTORY RECORD INFORMATION. (a) Authorizes DARS to obtain criminal history record information, rather than criminal conviction record information, from the Texas Department of Criminal Justice (TDCJ) and from DPS if the criminal history records relate to:

- (1) an applicant selected for employment with DARS;
- (2) an applicant for services of DARS, rather than an applicant for rehabilitation services; or
- (3) a client of DARS.

Makes conforming changes.

- (b) Makes conforming changes.

Sec. 117.034. New heading: **CRIMINAL HISTORY RECORD INFORMATION: APPLICANTS FOR EMPLOYMENT.** Deletes existing Subsection (a) designation. Requires the executive commissioner of the Health and Human Services Commission, rather than the board of TRC, by rule, to establish criteria for denying a person's application for employment based on criminal history record information, rather than criminal history background information, obtained pursuant to Section 411.117, Government Code. Deletes existing Subsection (b) requiring TRC to treat all criminal history record information as privileged and confidential and for TRC use only.

SECTION 3. Repealer: Section 411.0985 (Access to Criminal History Record Information: Texas Commission for the Blind), Government Code.

Repealer: Section 91.0165 (Criminal History Record Information), Human Resources Code.

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