

BILL ANALYSIS

C.S.H.B. 2583
By: Bell
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that a county fire marshal is currently entitled to obtain from DPS the criminal history record of an applicant for employment or membership with or an employee or member of a fire department or emergency services provider for an unincorporated area. The parties note that a fire marshal can obtain this information at a reduced cost or at no cost but that some counties do not have a county fire marshal. The parties explain that it would be beneficial to grant a county sheriff such an entitlement for those purposes. C.S.H.B. 2583 seeks to remedy this situation.

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

ANALYSIS

C.S.H.B. 2583 amends the Government Code to entitle a county sheriff to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to an applicant for employment or membership with a fire department or an emergency medical services provider for an unincorporated area or to an employee or member of such a department or provider on request of the department chief or chief executive of the fire department or emergency medical services provider. The bill authorizes the county sheriff to disclose such information to the department chief or chief executive but limits the sheriff's disclosure of information obtained by DPS from the Federal Bureau of Investigation to governmental entities or as authorized by federal law, federal executive order, or federal rule.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2583 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 411.1237, Government Code, is amended to read as follows:

Sec. 411.1237. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COUNTY FIRE MARSHALS; COUNTY SHERIFFS IN CERTAIN COUNTIES. (a) On request of the department chief or chief executive of a fire department or an emergency medical services provider for an unincorporated area, a county fire marshal, or a county sheriff in a county with a population of less than 100,000, is entitled to obtain from the department criminal history record information maintained by the department that relates to:

- (1) an applicant for employment or membership with the requesting department or provider; or
- (2) an employee or member of the requesting department or provider.

(b) The county fire marshal or county sheriff may disclose criminal history record information obtained under Subsection (a) to the department chief or chief executive of the requesting fire department or emergency medical services provider, except that the county fire marshal or county sheriff may disclose criminal history record information obtained by the department from the Federal Bureau of Investigation only to governmental entities or as authorized by federal law, federal executive order, or federal rule.

SECTION 2. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 411.1237, Government Code, is amended to read as follows:

Sec. 411.1237. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COUNTY FIRE MARSHALS; COUNTY SHERIFFS. (a) On request of the department chief or chief executive of a fire department or an emergency medical services provider for an unincorporated area, a county fire marshal or county sheriff is entitled to obtain from the department criminal history record information maintained by the department that relates to:

- (1) an applicant for employment or membership with the requesting fire department or emergency medical services provider; or
- (2) an employee or member of the requesting fire department or emergency medical services provider.

(b) The county fire marshal or county sheriff may disclose criminal history record information obtained under Subsection (a) to the department chief or chief executive of the requesting fire department or emergency medical services provider, except that the county fire marshal or county sheriff may disclose criminal history record information obtained by the department from the Federal Bureau of Investigation only to governmental entities or as authorized by federal law, federal executive order, or federal rule.

SECTION 2. Same as introduced version.