

BILL ANALYSIS

Senate Research Center

S.B. 2163
By: Ellis
Veteran Affairs & Military Installations
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Veterans Commission (TVC) has no authority to obtain criminal history record information on its employees. If TVC is to remain compliant with the Department of Veterans Affairs security requirements it must have the ability to obtain criminal history record information.

S.B. 2163 amends current law relating to access to criminal history record information by TVC.

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 Subchapter F, Chapter 411, Government Code, by adding Section 411.1211, as follows:

Sec. 411.1211. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS VETERANS COMMISSION. (a) Entitles the Texas Veterans Commission (TVC) to obtain from the Department of Public Safety of the State of Texas (DPS), the Federal Bureau of Investigation (FBI) Criminal Justice Information Identification Division (identification division), or another law enforcement agency criminal history record information maintained by DPS, the FBI identification division, or the agency that relates to a person who is an employee or an applicant for employment with TVC; is a consultant, intern, or volunteer for TVC or an applicant to serve as a consultant, intern, or volunteer; proposes to enter into a contract with or has a contract with TVC to perform services for or supply goods to TVC; or is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to TVC.

(b) Prohibits criminal history record information obtained by TVC under Subsection (a) from being released or disclosed to any person except on court order, with the consent of the person who is the subject of the criminal history record information, or to a federal agency as required by federal law or executive order.

(c) Requires TVC to destroy criminal history record information obtained under this section after the information is used for the purposes authorized by this section.

(d) Authorizes TVC to provide a copy of the criminal history record information obtained from DPS, the FBI identification division, or other law enforcement agency to the individual who is the subject of the information.

(e) Provides that the failure or refusal to provide the following on request constitutes good cause for dismissal or refusal to hire: a complete set of fingerprints, a true and complete name, or other information necessary for a law enforcement entity to provide a criminal history record.

SECTION 2. Effective date: upon passage or September 1, 2009.