

BILL ANALYSIS

S.B. 922
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Department of Public Safety (DPS) currently partners with a third-party vendor, IdentGO, to provide criminal history checks through an electronic fingerprinting service, which employers and licensing agencies use across Texas. Written in the agency's contract is a requirement that the vendor must have an operating facility within a fifty-mile radius of a prospective Texas consumer. However, it has been found this requirement is often not met and that these locations often have wait times that exceed acceptable wait times and close without notice. S.B. 922 seeks to ensure a higher quality of services is available in Texas by requiring the chosen DPS vendor to provide sufficient notice to the public before a location may close, administer a mobile unit in the area of a facility that closes, and allow DPS to contract with a second vendor should the initial vendor not fulfill its duties and by requiring DPS to provide the legislature and governor with an annual report regarding the vendor's ability to meet its contractual obligations.

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

S.B. 922 amends the Government Code to require the Department of Public Safety (DPS) to take the following actions if it enters into a contract with a vendor to provide fingerprinting services throughout Texas for use in accessing criminal history record information:

- include in the contract a provision that does the following:
 - requires notice to the public of a permanent closure of a location accessible to the public that provides fingerprinting services at least 45 days before the date on which the location closes;
 - requires a mobile unit to provide fingerprinting services in or as near as practicable to the area of a location accessible to the public that permanently closes until a replacement location is opened in that area at full capacity if the closure would cause the vendor to not meet contractual coverage requirements; and
 - allows DPS to contract with a second vendor to provide fingerprinting services or to provide fingerprinting services by other means if DPS determines that the original vendor has not fulfilled the contract in a reasonable manner; and
- annually review and prepare a report on the services provided by the vendor under the contract that includes a determination on the vendor's ability to adequately address the need for fingerprinting services throughout Texas based on the availability of

fingerprinting appointments throughout Texas, including any wait times for appointments at locations, and based on a study of the miles required to travel throughout Texas in order to receive fingerprinting services and whether there are short-term or chronic gaps in coverage in certain areas of Texas.

The bill requires DPS to provide the report to the governor and members of the legislature.

EFFECTIVE DATE

September 1, 2021.