

SUBJECT: Criminal background checks for Texas Veterans Commission employees

COMMITTEE: Defense and Veterans' Affairs — favorable, without amendment

VOTE: 7 ayes — Corte, Vaught, Edwards, Farias, Ortiz, Pickett, C. Turner

0 nays

2 absent — Chavez, Maldonado

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Cruz Montemayor, Texas Veterans Commission)

BACKGROUND: Government Code, ch. 411 establishes the state Department of Public Safety (DPS). Secs. 411.089 through 411.1407 permit various state agencies to obtain from DPS criminal history record information on employees and prospective employees.

DIGEST: HB 4020 would allow the Texas Veterans Commission (TVC) to obtain criminal history record information from the DPS, the Federal Bureau of Investigation, or another law enforcement agency for employees, consultants, interns, volunteers, contractors, subcontractors, and contract employees, or applicants for those positions. The criminal history would not be able to be released or disclosed to anyone except by court order, with the consent of the person whose record would be disclosed, or a federal agency as required by federal law.

The TVC would be required to destroy any criminal history record information after use, and could provide a copy of the information to the employee or applicant. If an employee or applicant refused to provide on request a complete set of fingerprints, a true and complete name, or any other necessary information, the TVC would be able to dismiss or refuse to hire that person.

The bill would take effect September 1, 2009.

**SUPPORTERS
SAY:**

HB 4020 would allow the Texas Veterans Commission (TVC) to issue identification cards to its employees and ensure the safe and secure handling of information regarding the state's veterans. Approximately 95 percent of TVC employees work in federal buildings. A 2004 federal Department of Homeland Security presidential directive requires a standardized ID card for federal employees and contractors. However, current Texas law prevents the TVC from conducting criminal background checks to issue its employees the ID cards required to work in the federal buildings. The bill would enable the TVC to continue using the federal buildings provided for its employees.

Conducting background checks on TVC employees also would be an important step in ensuring that the information processed by the agency about the state's veterans is in safe, secure hands. Granting the TVC authority to conduct these background checks would be in line with the authority granted to other state agencies.

**OPPONENTS
SAY:**

Bills such as HB 4020 that authorize state agencies to conduct criminal history background checks need to address the DPS crime record system's infrastructure. The system should be updated and made more accurate before allowing hundreds of new background checks to be run

NOTES:

The companion bill, SB 2163 by Ellis, passed the Senate by 31-0 on the Local and Uncontested Calendar on April 16, and has been referred to the House Defense and Veterans' Affairs Committee.