BILL ANALYSIS

Senate Research Center

H.B. 1825
By: Goodman (Duncan)
Jurisprudence
5-21-97
Enrolled

DIGEST

Currently, the State Bar of Texas has no authority to access criminal history information under Chapter 411, Government Code. This chapter gives a number of governmental entities access to criminal history information for purposes that include screening applicants for licenses, employees, job applicants, and volunteers. This bill would authorize the State Bar to access such information for certain purposes.

PURPOSE

As enrolled, H.B. 1825 authorizes the State Bar of Texas to access the following criminal history record information: (1) information relating to persons licensed by the state bar who are the subject of or involved in investigations of barratry or professional misconduct; (2) information relating to a witness in any disciplinary action or proceeding conducted by the state bar, the Board of Disciplinary Appeals, or any court; and (3) information relating to an applicant for reinstatement to practice law.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 411F, Government Code, by adding Section 411.135, as follows:

> Sec. 411.135. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BAR OF TEXAS. (a) Provides that the general counsel of the State Bar of Texas is entitled to obtain from the Department of Public Safety of the State of Texas (department) criminal history record information maintained by the department that relates to certain persons. Provides that information received by the state bar is confidential and may be disseminated only in a disciplinary action or proceeding conducted by the state bar, the Board of Disciplinary Appeals, or any court. Requires the state bar to destroy criminal history record information obtained under this section promptly after a final determination is made in the matter for which the information was obtained.

SECTION 2. Emergency clause.
Effective date: upon passage.