

## **BILL ANALYSIS**

Senate Research Center  
82R11929 YDB-F

H.B. 2632  
By: Driver (Wentworth)  
Government Organization  
5/6/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to a recent Texas state agency survey, a large number of state agencies are authorized by over 100 separate statutes to obtain confidential criminal history record information from the Department of Public Safety of the State of Texas (DPS) for the purposes of conducting criminal history background checks on job applicants, employees, licensees, contractors, and others. However, the Texas Facilities Commission (TFC) does not currently have this authorization. As the custodian of certain state properties, TFC provides access control and security surveillance systems for buildings on TFC-managed inventory and for the occupying tenant agencies of those properties. Additionally, in the course of the assigned work or contract activities, various employees and contractors of TFC have daily access to areas throughout the offices of all tenant agencies, including highly sensitive or restricted areas. Due to heightened security concerns and increased access control measures throughout the capitol complex, additional statutory authorization is needed for TFC to obtain criminal history record information to ensure appropriate security standards and protocols are maintained in the assignment of individuals to work activities.

H.B. 2632 amends current law relating to access to the criminal history record information of certain persons by the Texas Facilities Commission.

### **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 411.1391, as follows:

Sec. 411.1391. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS FACILITIES COMMISSION. (a) Entitles the Texas Facilities Commission (TFC) to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a person who:

- (1) is an employee or an applicant for employment with TFC;
- (2) is a consultant, intern, or volunteer for TFC or an applicant to serve as a consultant, intern, or volunteer;
- (3) proposes to enter into a contract with or has a contract with TFC to perform services for or supply goods to TFC; or
- (4) is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to TFC.

(b) Prohibits criminal history record information obtained by TFC under Subsection (a) from being released or disclosed to any person except:

(1) on court order; or

(2) with the consent of the person who is the subject of the criminal history record information.

SECTION 2. Effective date: upon passage September 1, 2011.