

## **BILL ANALYSIS**

Senate Research Center  
84R15957 NC-F

H.B. 2828  
By: Phillips (Burton)  
Criminal Justice  
5/11/2015  
Engrossed

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

Some local governmental entities, such as a county office of emergency management, rely heavily on volunteer and contract support. However, it is not clear that a county or municipality can legally perform background checks on these volunteers and contract employees. H.B. 2828 amends the Government Code to add to the individuals about whom a municipality or county, as applicable, is entitled to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS, an employee of the municipality or county, an applicant for employment by or an employee of a business or person that contracts with the municipality or county, a volunteer with the municipality or county, or an applicant for a volunteer position with the municipality or county.

H.B. 2828 amends current law relating to the authority of a municipality or county to obtain criminal history record information for certain persons, including employees, independent contractors, and volunteers.

### **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 Section 411.129, Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides that, except as provided by Subsection (b), a municipality is entitled to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by the DPS that relates to a person who is:

- (1) Creates this subdivision from existing text;
- (2) an employee of the municipality;
- (3) an applicant for employment by or an employee of a business or person that contracts with the municipality;
- (4) a volunteer with the municipality; or
- (5) an applicant for a volunteer position with the municipality.

(a-1) Requires DPS to make available through electronic means the information available to municipalities under this section, rather than requires DPS to make available through electronic means the information available to municipalities under this section not later than September 1, 2000.

SECTION 2. Amends Section 411.1295(a), Government Code, as follows:

(a) Provides that, except as provided by Subsection (b), a county is entitled to obtain from DPS criminal history record information maintained by DPS that relates to a person who is:

- (1) an applicant for employment by the county;
- (2) an employee of the county;
- (3) an applicant for employment by or an employee of a business or person that contracts with the county;
- (4) a volunteer with the county; or
- (5) an applicant for a volunteer position with the county.

SECTION 3. Effective date: September 1, 2015.