

BILL ANALYSIS

Senate Research Center
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S.B. 922
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Department of Public Safety (DPS) partners with a third party vendor, Identogo, to provide criminal history checks through an electronic fingerprinting service, which employers and licensing agencies utilize. 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 these locations are prone to exceed acceptable wait times and often close without notice to the state.

S.B. 922 seeks to ensure higher quality services are implemented by requiring the 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; allow DPS to contract with a second vendor should its initial vendor not fulfill its duties; and require the agency to provide the legislature and governor with an annual report regarding the vendor's ability to meet its contractual obligations based on: availability of appointments and wait time, a study of miles traveled to receive fingerprinting services, and whether there are short-term or chronic gaps in statewide coverage.

As proposed, S.B. 922 amends current law relating to contracts for fingerprinting services entered into by the Department of Public Safety of the State of Texas.

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 411.0865, as follows:

Sec. 411.0865. **CONTRACTS FOR FINGERPRINTING SERVICES.** (a) Requires the Department of Public Safety of the State of Texas (DPS), if DPS enters into a contract with a vendor to provide fingerprinting services throughout Texas for use in accessing criminal history record information, including a contract entered into under Section 2157.068 (Purchase of Information Technology Commodity Items), to:

(1) include in the contract a provision that:

(A) requires notice to the public of a closure of a location providing fingerprinting services at least 45 days before the date on which the location closes;

(B) requires a mobile unit to provide fingerprinting services in or near the area of a location that closes until a replacement location is opened at full capacity; and

(C) 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

(2) 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:

(A) the availability of fingerprinting appointments throughout Texas, including any wait times for appointments at locations; and

(B) 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.

(b) Requires DPS to provide the report prepared under Subsection (a)(2) to the governor and members of the legislature.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.