

## **BILL ANALYSIS**

Senate Research Center  
88R5932 JTZ-D

S.B. 1973  
By: Bettencourt  
Criminal Justice  
4/6/2023  
As Filed

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

Concerns have been raised about individuals being employed by courts to determine bail not going through criminal background checks. S.B. 1973 simply requires that those seeking appointment or employment by the court that assesses or determines the eligibility or amount of bail for a criminal defendant goes through a criminal background check. The bill also establishes that the criminal history record may only be used to evaluate employment by an applicant and that any information obtained in the background check may not be released or disclosed.

As proposed, S.B. 1973 amends current law relating to criminal history record information for certain special master, magistrate, referee, or other court official applicants appointed or employed by state judges.

### **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 Chapter 54, Government Code, by adding Subchapter A, as follows:

#### **SUBCHAPTER A. GENERAL PROVISIONS**

Sec. 54.001. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENTS FOR CERTAIN APPLICANTS. (a) Provides that this section applies to an applicant seeking appointment or employment under Chapter 54 (Masters; Magistrates; Referees; Associate Judges) in a court of this state as a special master, magistrate, referee, or other court official who assesses or determines the eligibility or amount of bail for a criminal defendant.

(b) Requires a court to require an applicant for a position described by Subsection (a) to submit a complete and legible set of fingerprints, on a form prescribed by the Office of Court Administration of the Texas Judicial System, to the court or to the Department of Public Safety of the State of Texas (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation (FBI).

(c) Prohibits a court from appointing or employing an applicant for a position described by Subsection (a) unless the court conducts a criminal history record check of the applicant using information:

(1) provided by the applicant under this section; and

(2) made available to the court by DPS, the FBI, and any other criminal justice agency under Subchapter F (Criminal History Record Information), Chapter 411.

(d) Authorizes a court to:

(1) enter into an agreement with DPS to administer criminal history record checks required under this section; and

(2) authorize DPS to collect from each applicant the costs incurred by DPS in conducting the criminal history record check.

SECTION 2. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.14085, as follows:

Sec. 411.14085. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COURTS WITH CRIMINAL JURISDICTION. (a) Entitles a district court, constitutional county court, statutory county court, justice court, or municipal court with jurisdiction over criminal cases to obtain from DPS as authorized under Section 54.001 criminal history record information maintained by DPS that relates to an applicant for appointment or employment as a special master, magistrate, referee, or other court official who assesses or determines the eligibility or amount of bail for a criminal defendant for that court.

(b) Authorizes criminal history record information obtained by the court under Subsection (a) to be used only to evaluate an applicant.

(c) Prohibits the court from releasing or disclosing information obtained under Subsection (a) except with the consent of the person who is the subject of the criminal history record information.

(d) Requires the court, after the expiration of any probationary term of the person's appointment or employment, to destroy all criminal history record information obtained under Subsection (a).

SECTION 3. Effective date: September 1, 2023.