

BILL ANALYSIS

C.S.H.B. 3699
By: Turner, John
Public Health
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that there is a need to clarify the authority of the Health and Human Services Commission to conduct background checks of certain staff, licensees, and employees and volunteers of certain entities. C.S.H.B. 3699 seeks to provide such clarification by making certain updates to the applicable statutory provisions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of the Department of Family and Protective Services in SECTION 6 of this bill.

ANALYSIS

C.S.H.B. 3699 amends the Government Code to clarify the continued entitlement to obtain criminal history record information from the applicable sources by certain health and human services agencies and by the Health and Human Services Commission (HHSC) and the executive commissioner of HHSC with respect to a function transferred to HHSC under statutory provisions relating to the consolidation of the health and human services system. The bill makes applicable conforming changes regarding the entitlements and the use of the information and requires the commissioner of the Department of Family and Protective Services (DFPS) to adopt rules to prevent the harassment of an employee or volunteer through the request and use of criminal records. The bill limits the criminal history record information that DFPS or HHSC may release to an adult who resides with an alleged victim of abuse, neglect, or exploitation and with the alleged perpetrator or to an elderly person or a person with a disability who is an alleged victim of that conduct to such information those entities obtain from the Department of Public Safety's computerized criminal history system.

C.S.H.B. 3699 repeals Section 411.114(d), Government Code.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3699 differs from the original in minor or nonsubstantive ways by conforming to certain bill drafting conventions.

The substitute includes a provision limiting the criminal history record information that DFPS or HHSC may release to certain persons.

The substitute includes a provision establishing that its provisions prevail over another act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions and corrections in enacted codes.