

**SUBJECT:** TYC access to criminal history record information

**COMMITTEE:** Corrections — favorable, without amendment

**VOTE:** 8 ayes — Hightower, Allen, Alexander, Farrar, Gray, Hupp, Marchant, Serna  
0 nays  
1 absent — Edwards

**WITNESSES:** None

**DIGEST:** HB 2075 would authorize the Texas Youth Commission (TYC) to obtain Department of Public Safety (DPS) criminal history record information for:

- job applicants;
- volunteers, interns and applicants to be volunteers and interns;
- businesses or persons contracting with TYC to provide direct services to youths; and
- employees, job applicants, interns, volunteers or applicants to be interns or volunteers with businesses or persons contracting with TYC to provide direct services.

Criminal history records could only be released upon court order to the person who is the subject of the information or upon consent of the person or entity who is the subject of the information, for administrative hearings or investigations by TYC concerning the person, or to a business or person who contracts with TYC for direct delivery of services and who uses or intends to use or employ a volunteer, intern or job applicant.

TYC would be authorized to charge a fee to entities or persons who request criminal history records for employees, job applicants, interns, volunteers or intern and volunteer applicants to cover the costs of obtaining the record.

HB 2075 would take immediate effect if finally approved by a two-thirds record vote of the membership in each house.

**SUPPORTERS  
SAY:**

HB 2075 would give the Texas Youth Commission clear authority to do criminal history background checks on employees, volunteers and contractors who work with its youths. TYC has been conducting background checks on employees and volunteers for many years using broad authority in the Government Code that allows criminal justice agencies to obtain this information from the Department of Public Safety. It would be best to have TYC's authority explicitly laid out in statute. This could be especially important as TYC expands its use of outside contractors and needs to look into the background of contractors and their volunteers and interns. The agency has an interest in knowing if its employees, contractors or volunteers have a criminal history or are unsuitable for working with youth.

HB 2075 tracks language that allows other state agencies such as the Department of Protective and Regulatory Services (DPRS) to obtain criminal histories on employees and contractors. HB 2075 would allow criminal history checks only of contractors who are providing direct services to youths. The bill includes safeguards, like those required of DPRS, to restrict the release of the criminal history information and to allow TYC to charge contractors a fee for obtaining the information on its employees, volunteers, interns or applicants.

HB 2075 would not greatly increase the workload for TYC or DPS. TYC made about 2,600 criminal history background inquiries last year and estimates that about 350 additional requests would be made on contractors.

**OPPONENTS  
SAY:**

The state should be wary of continuing to authorize expanded access to criminal history information that can be misused and misinterpreted.

**OTHER  
OPPONENTS  
SAY:**

HB 2075 also should authorize TYC to obtain criminal history record information from the Federal Bureau of Investigation. Some persons may have criminal histories in other states, and TYC should have access to this information.

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HB 2075 should make provisions like those found in some state agency statutes that require criminal history record information to be destroyed under certain circumstances such if a person does not go to work for an agency or contractor.