

SUBJECT: Allowing criminal background checks for the Texas Facilities Commission

COMMITTEE: State Affairs — favorable, without amendment

VOTE: 11 ayes — Cook, Menendez, Craddick, Frullo, Gallego, Geren, Hilderbran, Huberty, Smithee, Solomons, Turner

0 nays

2 absent — Harless, Oliveira

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify:* Shyra Darr, Texas Facilities Commission)

BACKGROUND: Over 100 agencies currently are authorized to obtain criminal history record information from the Texas Department of Public Safety (DPS) on potential job applicants, employees, licensees, contractors, and others. To facilitate the process, DPS maintains a criminal history clearinghouse for collecting and disseminating criminal history information to authorized parties for a fee.

DIGEST: HB 2632 would allow the Texas Facilities Commission (TFC) to obtain criminal history record information from DPS for an applicant or current employee, consultant, contractor, subcontractor, intern, or volunteer.

Criminal history record information could not be released or disclosed except by court order or with the consent of the person who was the subject of the criminal history record information.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2011.

**SUPPORTERS
SAY:**

Criminal background checks for TFC workers would ensure greater safety and security for TFC-operated buildings. TFC maintains access control and security surveillance systems for state agency buildings and provides custodial and systems maintenance services for state offices with highly sensitive and restricted areas, such as the attorney general's offices. Workers need to be carefully screened to ensure that they can handle the responsibilities of working in secure areas.

TFC would be able to run criminal background checks through the DPS clearinghouse to access the full criminal history and make decisions on employment on a case-by-case basis, depending on the security level of the job requirements. Much of TFC's work is performed through contractors and consultants, so it is important to authorize criminal background checks for all the various workers who would be in secure state buildings on TFC business.

**OPPONENTS
SAY:**

The bill could provide an additional barrier to re-entry into the workplace for those who have successfully completed their sentences and paid their debt to society. This is significant because about one in 11 Texans has a criminal record.

NOTES:

The fiscal note estimates that the bill could result in a \$10,200 gain to general revenue each fiscal year from 2012 through 2016 from fees paid to DPS for the background checks.