

SUBJECT: Requiring vendors for fingerprinting services to meet contract requirement

COMMITTEE: Homeland Security and Public Safety — favorable, without amendment

VOTE: 9 ayes — White, Bowers, Goodwin, Harless, Hefner, E. Morales,
Patterson, Schaefer, Tinderholt

0 nays

SENATE VOTE: On final passage, April 21 — 30-1 (Creighton)

WITNESSES: For — None

Against — None

On — (*Registered, but did not testify*: Michelle Farris, Texas Department of Public Safety)

DIGEST: SB 922 would require the Department of Public Safety (DPS) to include certain provisions in a contract with a vendor to provide fingerprinting services throughout the state for use in accessing criminal history record information. The contractual provisions would:

- require notice to the public of a permanent closure of a location accessible to the public that provided fingerprinting services at least 45 days before the location closed;
- require a mobile unit to provide fingerprinting services in or as near as practicable to the area of a location accessible to the public that permanently closed until a replacement location was opened in that area at full capacity if the closure would cause the vendor to not meet contractual coverage requirements; and
- allow DPS to contract with a second vendor to provide fingerprinting services or to provide fingerprinting services by other means if it determined that the original vendor had not fulfilled the contract in a reasonable manner.

DPS annually would have to review and prepare a report on the services provided by the vendor under the contract that included a determination on the vendor's ability to adequately address the need for fingerprinting services throughout this state based on:

- the availability of fingerprinting appointments, including any wait times; and
- a study of the miles required to travel to receive fingerprinting services and whether there were short-term or chronic gaps in coverage in certain areas of the state.

DPS would have to provide the report to the governor and the Legislature.

The bill would take effect September 1, 2021, and apply only to a contract for which DPS first advertised or otherwise solicited bids, proposals, offers, or other qualifications or made a similar solicitation on or after that date.

**SUPPORTERS
SAY:**

SB 922 would ensure that Texans across the state had access to fingerprinting services by revising contracts for fingerprinting services entered into by the Department of Public Safety (DPS). Currently, DPS partners with a third party vendor to provide criminal history checks through an electronic fingerprinting service, which is used by various employers and licensing agencies across the state. Included in the contract is a requirement that the vendor have an operating facility within a 50-mile radius of a prospective Texas consumer. However, it has been found this requirement often is not met and these locations often have unacceptable wait times and close without notice.

The bill would address these issues by requiring the vendor to provide sufficient notice to the public before a location closed and administer a mobile unit in the area of a facility that had closed and by allowing DPS to contract with a second vendor should the original vendor not fulfill its contractual obligations.

CRITICS

No concerns identified.

SAY: