

BILL ANALYSIS

Senate Research Center

H.B. 1576
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Jurisprudence
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Engrossed

DIGEST

Currently, an apartment or other residential dwelling project is able to obtain certain criminal history information about its employees, including crimes against the person, against property, public indecency, and felony controlled substance violations. However, access to driving while intoxicated convictions for employees in a job which requires a substantial amount of driving is not available. This bill will allow employers operating residential dwelling units to access an employee's driving while intoxicated conviction history.

PURPOSE

As proposed, H.B. 1576 allows employers operating residential dwelling units to access an employee's driving while intoxicated conviction history.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Department of Public Safety in SECTION 1 (Section 765.003(b), Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 135, Human Resources Code, by redesignating it as Chapter 765, Health and Safety Code, as follows:

CHAPTER 765. New heading: CRIMINAL HISTORY RECORD INFORMATION CHECKS OF EMPLOYEES OF RESIDENTIAL DWELLING PROJECTS

Sec. 765.001. DEFINITIONS. Redesignated from Section 135.001, Human Resources Code.

Sec. 762.002. New heading: APPLICATION OF CHAPTER; EXCEPTION. Redesignated from Section 135.002, Human Resources Code.

Sec. 765.003. VERIFICATION OF CRIMINAL HISTORY RECORD INFORMATION. Authorizes an employer, after an offer of employment is made, to verify through the Department of Public Safety (DPS) certain information maintained by DPS and that DPS is authorized to release under Chapter 411, Government Code, rather than under this chapter. Authorizes DPS to adopt rules or apply rules adopted under Section 411.086, Government Code, regarding the method of requesting information under this chapter. Deletes existing text regarding information to be submitted by the employer to DPS. Deletes existing text regarding confidentiality of criminal history record information and forms and fees for requesting the criminal history record information. Prohibits DPS from providing an employer with the criminal history record information of an applicant under this chapter unless the employer is entitled to receive the information under Section 411.118, Government Code. Deletes existing text regarding the release of information relating to certain felonies and misdemeanors. Redesignated from Section 135.003, Human Resources Code.

Sec. 765.004. PRIVILEGE. Redesignated from Section 135.004, Human Resources Code.

Sec. 765.005. PENALTY. Redesignated from Section 135.005, Human Resources Code. Makes a conforming change.

Sec. 765.006. EFFECT OF SUBMISSION OF FALSE INFORMATION. Redesignated from Section 135.006, Human Resources Code.

Sec. 765.007. OTHER INFORMATION. Redesignated from Section 765.007, Human Resources Code.

SECTION 2. Amends Section 411.118, Government Code, as follows:

Sec. 411.118. New heading: ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYER AT RESIDENTIAL DWELLING PROJECT. Defines "residential dwelling project." Deletes the definition of "subsidized housing residence." Provides that an employer is entitled to obtain from DPS criminal record history information maintained by DPS that pertains to a person who may be reasonable required to have access to the residence of an occupant, rather than the residence of an occupant who is elderly or disabled. Provides that an employer is entitled to obtain only criminal history record information that relates to an offense under Section 49.04, 49.07, or 49.08, Penal Code, if the position of employment requires a substantial amount of driving in the course and scope of the employment. Makes conforming changes.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.