

BILL ANALYSIS

Senate Research Center

S.B. 476
By: Madla
Health & Human Services
2-17-97
As Filed

DIGEST

Currently, the Texas Commission on Alcohol and Drug Abuse conducts statewide background searches on Licensed Chemical Dependency Counselors, but does not have the authority to conduct national background searches. As a result, the commission must rely on the applicant to disclose any criminal history relating to crimes committed outside of Texas. This legislation entitles the commission and the governing body of a business entity employing licensed chemical dependency counselors to obtain from the Department of Public Safety both state and national criminal history record information relating to persons providing counseling services in order to better protect the public interest and ensure that persons providing chemical dependency counseling do not have criminal histories in other states.

PURPOSE

As proposed, S.B. 476 establishes certain criminal background checks regarding applicants for and holders of chemical dependency counselor licenses.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 411F, Government Code, by adding Sections 411.1301 and 411.1302, as follows:

Sec. 411.1301. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION ON ALCOHOL AND DRUG ABUSE. Sets forth the terms by which the Texas Commission on Alcohol and Drug Abuse (commission) is entitled to obtain criminal history record information maintained by the Department of Public Safety of the State of Texas (department) relating to a person who is an applicant for a chemical dependency counselor's license, or the holder of a license. Establishes that in addition to information obtained from the Federal Bureau of Investigation under Section 411.087, the commission is entitled to obtain information relating to the wanted persons status of a license applicant or holder.

Sec. 411.1302. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PERSONS WHO EMPLOY CHEMICAL DEPENDENCY COUNSELORS. Sets forth the terms by which the governing body of a business entity that employs licensed chemical dependency counselors is entitled to obtain criminal history record information maintained by the department that relates to a person who is an applicant for a position of employment as a licensed chemical dependency counselor, or an employee who holds a license. Establishes that in addition to information obtained from the Federal Bureau of Investigation under Section 411.087, the governing body of the business entity is entitled to obtain information relating to the wanted persons status of an individual described by Subsection (a)(1) or (2).

SECTION 2. Emergency clause.
Effective date: upon passage.