

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 476  
By: Madla  
Health & Human Services  
2-21-97  
Committee Report (Substituted)

### **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 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. The commission may also charge a reasonable fee to cover the costs of the search. In addition, this bill prohibits disclosure of criminal history record information by the commission, except on court order and in certain situations.

### **PURPOSE**

As proposed, C.S.S.B. 476 establishes certain criminal background information obtained by the Texas Commission on Alcohol and Drug Abuse.

### **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 Section 411.132, as follows:

Sec. 411.132. 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 and 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 an individual listed in Subsection (a). Prohibits criminal history record information obtained by the commission under Subsection (a) from being released or disclosed to any person, except on court order and in certain situations. Authorizes the commission to provide the applicant or licensee with a copy of the person's criminal history record information obtained from various sources.

SECTION 2. Amends Article 4512o, V.T.C.S., by adding Section 17A, as follows:

Sec. 17A. CRIMINAL HISTORY RECORD INFORMATION. Authorizes the commission to obtain criminal history record information as provided by Section 411.132, Government Code, for consideration in determining an individual's licensure status. Sets forth the terms by which the commission is authorized to charge a reasonable fee to cover the costs of the search; and establishes the use of revenue from those fees.

SECTION 3. Emergency clause.

Effective date: upon passage.

**SUMMARY OF COMMITTEE CHANGES**

Amends SECTION 1, by adding Section 411.132, Government Code, to prohibit criminal history record information from being released or disclosed, except under specific circumstances. Authorizes the commission to provide the applicant or licensee with a copy of the person's criminal history information. Deletes proposed Sections 411.1301 and 411.1302, Government Code.

Amends SECTION 2, by adding Section 17A, Article 4512o, V.T.C.S., to authorize the commission to obtain and consider criminal history record information in determining an individual's licensure status. Authorizes the commission to charge persons on whom searches are conducted a reasonable fee; and stipulates the use of revenue from those fees.