

BILL ANALYSIS

Senate Research Center
77R1743 GWK-D

S.B. 132
By: Wentworth
Criminal Justice
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DIGEST AND PURPOSE

Currently, volunteer centers are entitled to obtain criminal history record information. However, a volunteer center is defined as a nonprofit, tax-exempt organization whose primary purpose is to recruit and refer volunteers for other nonprofits and that is certified as a bona fide volunteer center by the Department of Public Safety. A nonprofit organization that runs an activity for children, such as the YMCA, must somehow go through a volunteer center to obtain such information. As proposed, S.B. 132 allows nonprofit organizations that provide athletic, civic, or cultural activities for participants younger than 17 years of age to obtain certain criminal history records from the Department of Public Safety. S.B. 132 also instructs nonprofit organizations as to how the background information, once obtained, is to be handled.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Public Safety in SECTION 1 (Section 411.137, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 411F, Government Code, by adding Section 411.137, as follows:

Sec. 411.137. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PROGRAMS PROVIDING ACTIVITIES FOR CHILDREN. (a) Defines "activity provider."

(b) Entitles an activity provider to obtain from the Texas Department of Public Safety (department) criminal history record information maintained by the department that relates to a person who is a volunteer or a volunteer applicant of the activity provider.

(c) Authorizes the department to establish rules governing the administration of this section.

(d) Prohibits an activity provider from keeping or retaining criminal history record information obtained under this section in any file. Requires criminal history record information to be destroyed promptly after the determination of suitability of the person for any position as a volunteer.

(e) Prohibits criminal history record information obtained under this section from being released or disclosed to any person except in a criminal proceeding, on court order, or with the consent of the person who is the subject of the criminal history record information.

(f) Provides that an activity provider employee, officer, or volunteer is not liable in a civil action for damages resulting from a failure to comply with this section if the employee, officer, or volunteer makes a good faith effort to comply.

SECTION 2. Effective date: upon passage or September 1, 2001.