

BILL ANALYSIS

Senate Research Center
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H.B. 2937
By: Lewis (Zaffirini)
Higher Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the Texas Higher Education Coordinating Board (THECB) has the authority to conduct secured criminal history background checks relating to persons with access to certain information resources or to information resource technologies employed by THECB.

H.B. 2937 expands THECB's authority to conduct secure background checks relating to other employees who have access to sensitive information, such as Social Security numbers, financial data, and student-specific information, in an effort to protect the confidentiality of that information.

H.B. 2937 amends current law relating to access to the criminal history record information of certain individuals by public or private institutions of higher education and the Texas Higher Education Coordinating Board.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 411.094, Government Code, to read as follows:

Sec. 411.094. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:
HIGHER EDUCATION ENTITIES.

SECTION 2. Amends Section 411.094(a)(2), Government Code, to redefine "security-sensitive position."

SECTION 3. Amends Sections 411.094(b), (c), (d), and (e), Government Code, as follows:

(b) Entitles the Texas Higher Education Coordinating Board (THECB) and each institution of higher education to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a person who is an applicant for a security-sensitive position at THECB or institution, as applicable.

(c) Authorizes criminal history record information under Subsection (b), rather than criminal history record information obtained by an institution of higher education under Subsection (b), to be used only for the purpose of evaluating applicants for employment in security-sensitive positions.

(d) Makes a conforming change.

(e) Requires that all criminal history record information obtained about an individual under Subsection (b) be destroyed by THECB or by the chief of police of the institution of higher education, as applicable, as soon as practicable after the individual becomes employed in a security-sensitive position and after the expiration of any probationary

term of employment or, if the individual is not hired for a security-sensitive position, after the information is used for its authorized purpose, rather than requiring that all criminal history record information obtained about an individual under Subsection (b) be destroyed by the chief of police of the institution of higher education after the expiration of the probationary term of the individual's employment.

SECTION 4. Effective date: upon passage or September 1, 2011.