

BILL ANALYSIS

Senate Research Center

H.B. 2588
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Natural Resources & Economic Development
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, state agencies are required to obtain statutory authorization under Chapter 411, Government Code, in order to access criminal history record information maintained by the Texas Department of Public Safety (DPS). Under Chapter 411, at least 30 state agencies and entities currently have authority to access this information.

H.B. 2588 enables the Railroad Commission of Texas (railroad commission) to access criminal history record information for anyone applying for a job, contract, volunteer position, or internship with the railroad commission. H.B. 2588 would not prohibit the railroad commission from hiring an applicant with a criminal history, but would merely allow the railroad commission a more complete picture of potential employees or contractors, given that railroad commission jobs sometimes require employees to enter private property.

The railroad commission would be required to destroy all information obtained through this statute within six months of receipt. The railroad commission would also not be allowed to release or disclose criminal history information obtained through this statute, unless ordered by a court or through the consent of the employee, contractor, or volunteer in question.

H.B. 2588 amends current law relating to access to criminal history record information by the Railroad Commission of Texas.

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 Subchapter F, Chapter 411, Government Code, by adding Section 411.1403, as follows:

Sec. 411.1403. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: RAILROAD COMMISSION OF TEXAS. (a) Provides that the Railroad Commission of Texas (railroad commission) is entitled to obtain from the Texas Department of Public Safety (DPS), the Federal Bureau of Investigation Criminal Justice Information Services Division (division), or another law enforcement agency criminal history record information maintained by DPS, the division, or the agency that relates to a person who is an applicant for employment with, or who is or has been employed by, the Public Safety Commission (PSC), or a consultant, contract employee, independent contractor, intern, or volunteer for PSC or an applicant to serve in one of those positions.

(b) Authorizes criminal history record information obtained by the railroad commission under Subsection (a) to be used only to evaluate an applicant for employment with, or a current or former employee of, the railroad commission.

(c) Prohibits the railroad commission from releasing or disclosing information obtained under Subsection (a) except on court order or with the consent of the person who is the subject of the criminal history record information.

(d) Requires the railroad commission, after the expiration of any probationary term of the person's employment or not later than the 180th day after the date of receipt of the information, whichever is later, to destroy all criminal history record information obtained under Subsection (a).

SECTION 2. Effective date: upon passage or September 1, 2017.