



HB 5432/SB 694

FACT SHEET

April 2025

OVERVIEW

The proposed legislation aims to increase transparency in the sale and dissemination of criminal history information by the Department of Public Safety (DPS).

It does so by amending Section 411 of the Business and Commerce Code to include language that requires DPS to publish on its public website information about the sale of criminal history information. This information must include the purchaser's name, contact information, and the date of the dissemination.

RESEARCH SUPPORTING POLICY CHANGE

A recurring issue with criminal background checks is the inconsistency and inaccuracy of information provided by consumer reporting agencies. Consumer reporting agencies (CRAs) are entities that gather and assess credit information to create reports on consumer's (criminal) backgrounds.¹ CRAs typically rely on a person's name, date of birth, and Social Security number to gather information.² They can also purchase criminal history information from Texas state agencies, including but not limited to: the Department of Public Safety, the Criminal Justice Department, and county and district courts.³

For those who do obtain relief through expunctions and/or orders of non-disclosure, their criminal history in a consumer reporting agencies' database still has the possibility of reflecting irrelevant arrests and charges. For instance, someone's record may differ across CRAs as some do not update their databases on a consistent basis; this could leave someone's record incorrect and outdated if they recently had their disposition updated and/or their record sealed or expunged.

Despite federal regulation requiring CRAs to "maintain strict procedures" to ensure the accuracy and completeness of any public information that could be used to deny employment, the impracticality of this maintenance and **the lack of enforcement mechanisms available often absolves background check companies from the responsibility of updating their databases in a timely manner.**⁴ These inconsistencies can produce consequential outcomes for those grappling with a criminal legal record - such as limited access to stable jobs, safe housing, and higher education opportunities.

Nearly 9 out of 10 employers, 4 out of 5 landlords, and 3 out of 5 colleges rely on background checks when screening applicants.⁵ Additionally, almost 40 percent of schools do not admit students who have not completed their term of community supervision which creates another obstacle to upward mobility.⁶ Texans from all backgrounds understand the difficulties associated with having a criminal legal record and overwhelmingly support initiatives that promote positive reentry.

Seven in ten Texans say that denying people opportunities for housing, education, and employment hinders their reintegration efforts.⁷ Moreover, two-thirds of registered voters in Texas agree that the state should take action to remove these barriers to reentry.⁸ The presence of a criminal legal record (accurate or not) can disqualify otherwise qualified candidates and reduce opportunities for successful reintegration.

RECOMMENDATION

Texas Appleseed recommends that the Texas Legislature vote to optimize the opportunities to secure stable jobs, safe housing, and higher education opportunities for Texans impacted by inaccurate records. The benefits of doing so include:

- ✓ **Economic growth across Texas' communities and state.**
- ✓ **Promoting current efforts aimed at reducing recidivism.**
- ✓ **Increasing the accuracy collected and disseminated by CRAs from Texas systems.**

REFERENCES & ENDNOTES

- ¹ Federal Credit Reporting Act, 15 U.S.C. §1681a(f) (2000). [https://uscode.house.gov/view.xhtml?req=granuleid:USC-1999-title15-section1681a&num=0&edition=1999#:~:text=\(f\)%20The%20term%20%22consumer,of%20furnishing%20consumer%20reports%20to](https://uscode.house.gov/view.xhtml?req=granuleid:USC-1999-title15-section1681a&num=0&edition=1999#:~:text=(f)%20The%20term%20%22consumer,of%20furnishing%20consumer%20reports%20to)
- ² Duane, M., La Vigne, N., Lynch, M., & Reimal, E. (2017). Criminal background checks: Impact on employment and recidivism. *Urban Institute Justice Policy Center*. https://www.urban.org/sites/default/files/publication/88621/2001174_criminal_background_checks_impact_on_employment_and_recidivism_1.pdf.
- ³ Pahl, S. (2014). *Interim testimony 2014: Senate committee on State Affairs*. Texas Criminal Justice Coalition. <https://texascje.zocalodesign.com/system/files/publications/SPahl%20Interim%20Senate%20SA%20Criminal%20Records%20Testimony.pdf>
- ⁴ Duane, M., La Vigne, N., Lynch, M., & Reimal, E. (2017). Criminal background checks: Impact on employment and recidivism. *Urban Institute Justice Policy Center*. https://www.urban.org/sites/default/files/publication/88621/2001174_criminal_background_checks_impact_on_employment_and_recidivism_1.pdf.
- ⁵ Lo, K. (2020). Expunging and sealing criminal records: How jurisdictions can expand access to second chances. *Center for American Progress*. https://www.americanprogress.org/wpcontent/uploads/2020/04/04-23_Expunging-and-Sealing.pdf.
- ⁶ Center for Community Alternatives. (n.d.). The use of criminal history records in college admissions: Reconsidered. *Prison Policy*. https://www.prisonpolicy.org/scans/communityalternatives/reconsidered_criminal_hist_recs_in_college_admissions.pdf.
- ⁷ Change Research & WPai (November 2022). *Texans' support for change*. Clean Slate Texas. <https://www.cleanslatetexas.org/texans-support-for-change>.
- ⁸ *Ibid.*

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