

By: Zaffirini

S.B. No. 1061

A BILL TO BE ENTITLED

AN ACT

relating to background and criminal history checks for operators and employees of certain child-care facilities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 42.159, Human Resources Code, is amended by adding Subsections (b-1), (b-2), and (c-1) to read as follows:

(b-1) A person subject to the background and criminal history check required by Subsection (a) or (b) shall submit to the commission a complete set of fingerprints.

(b-2) The executive commissioner shall adopt rules to implement this section. The rules adopted under this section:

(1) must require that the fingerprints submitted be in a form and of a quality acceptable to the Department of Public Safety and the Federal Bureau of Investigation for the purpose of conducting a criminal history check;

(2) may require that the fingerprints be submitted electronically through an applicant fingerprinting service center; and

(3) may allow the commission to waive a fingerprint submission required by this section if:

(A) the person for whom the submission is required has:

(i) a fingerprint-based criminal history check on file with the commission obtained under Section 411.114,

1 Government Code; or

2 (ii) a fingerprint-based criminal history  
3 clearinghouse record, as provided by Section 411.0845, Government  
4 Code, that is accessible to the commission through the Department  
5 of Public Safety and obtained under Section 411.114, Government  
6 Code; and

7 (B) the commission has an active subscription to  
8 the Federal Bureau of Investigation's National Record of Arrest and  
9 Prosecution Back Service for the person for whom the fingerprint  
10 submission is required.

11 (c-1) For each person whose fingerprints are submitted  
12 under Subsection (b-1), the department shall conduct a state and  
13 Federal Bureau of Investigation criminal history check by:

14 (1) submitting the person's fingerprints, or causing  
15 the fingerprints to be submitted electronically, to the Department  
16 of Public Safety for the purpose of conducting a state and federal  
17 criminal history check; and

18 (2) using the resulting information made available by  
19 that department under Section 411.114, Government Code, and by the  
20 Federal Bureau of Investigation and any other criminal justice  
21 agency under Section 411.087, Government Code.

22 SECTION 2. Section 42.206, Human Resources Code, is amended  
23 by amending Subsection (b) and adding Subsections (b-1) and (c-1)  
24 to read as follows:

25 (b) In addition to the requirements of Subsection (a), a  
26 shelter shall submit a complete set of fingerprints of each person  
27 required to undergo a criminal history check under Subsection (a)

1 ~~[if:~~

2 ~~[(1) the person has lived outside the state at any time~~  
3 ~~during the previous five years; or~~

4 ~~[(2) the shelter has reason to suspect that the person~~  
5 ~~has a criminal history in another state].~~

6 (b-1) The executive commissioner shall adopt rules to  
7 implement this section. The rules adopted under this section:

8 (1) must require that the fingerprints submitted be in  
9 a form and of a quality acceptable to the Department of Public  
10 Safety and the Federal Bureau of Investigation for purposes of  
11 conducting a criminal history check;

12 (2) may require that the fingerprints be submitted  
13 electronically through an applicant fingerprinting service center;  
14 and

15 (3) may allow the commission to waive a fingerprint  
16 submission required by this section if:

17 (A) the person for whom the submission is  
18 required has:

19 (i) a fingerprint-based criminal history  
20 check on file with the commission obtained under Section 411.114,  
21 Government Code; or

22 (ii) a fingerprint-based criminal history  
23 clearinghouse record, as provided by Section 411.0845, Government  
24 Code, that is accessible to the commission through the Department  
25 of Public Safety and obtained under Section 411.114, Government  
26 Code; and

27 (B) the commission has an active subscription to

1 the Federal Bureau of Investigation's National Record of Arrest and  
2 Prosecution Back Service for the person for whom the fingerprint  
3 submission is required.

4 (c-1) For each person whose fingerprints are submitted  
5 under Subsection (b), the department shall conduct a state and  
6 Federal Bureau of Investigation criminal history check by:

7 (1) submitting the person's fingerprints, or causing  
8 the fingerprints to be submitted electronically, to the Department  
9 of Public Safety for the purpose of conducting a state and federal  
10 criminal history check; and

11 (2) using the resulting information made available by  
12 that department under Section 411.114, Government Code, and by the  
13 Federal Bureau of Investigation and any other criminal justice  
14 agency under Section 411.087, Government Code.

15 SECTION 3. This Act takes effect September 1, 2021.