

1-1 By: Zaffirini S.B. No. 1061  
 1-2 (In the Senate - Filed March 5, 2021; March 18, 2021, read  
 1-3 first time and referred to Committee on Health & Human Services;  
 1-4 April 19, 2021, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 19, 2021,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1061 By: Powell

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to background and criminal history checks for operators  
 1-22 and employees of certain child-care facilities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 42.159, Human Resources Code, is amended  
 1-25 by adding Subsections (b-1), (b-2), and (c-1) to read as follows:

1-26 (b-1) A person subject to the background and criminal  
 1-27 history check required by Subsection (a) or (b) shall submit to the  
 1-28 commission a complete set of fingerprints.

1-29 (b-2) The executive commissioner shall adopt rules to  
 1-30 implement this section. The rules adopted under this section:

1-31 (1) must require that the fingerprints submitted be in  
 1-32 a form and of a quality acceptable to the Department of Public  
 1-33 Safety and the Federal Bureau of Investigation for the purpose of  
 1-34 conducting a criminal history check;

1-35 (2) may require that the fingerprints be submitted  
 1-36 electronically through an applicant fingerprinting service center;  
 1-37 and

1-38 (3) may allow the commission to waive a fingerprint  
 1-39 submission required by this section if:

1-40 (A) the person for whom the submission is  
 1-41 required has:

1-42 (i) a fingerprint-based criminal history  
 1-43 check on file with the commission obtained under Section 411.114,  
 1-44 Government Code; or

1-45 (ii) a fingerprint-based criminal history  
 1-46 clearinghouse record, as provided by Section 411.0845, Government  
 1-47 Code, that is accessible to the commission through the Department  
 1-48 of Public Safety and obtained under Section 411.114, Government  
 1-49 Code; and

1-50 (B) the commission has an active subscription to  
 1-51 the Federal Bureau of Investigation's National Record of Arrest and  
 1-52 Prosecution Back Service for the person for whom the fingerprint  
 1-53 submission is required.

1-54 (c-1) For each person whose fingerprints are submitted  
 1-55 under Subsection (b-1), the department shall conduct a state and  
 1-56 Federal Bureau of Investigation criminal history check by:

1-57 (1) submitting the person's fingerprints, or causing  
 1-58 the fingerprints to be submitted electronically, to the Department  
 1-59 of Public Safety for the purpose of conducting a state and federal  
 1-60 criminal history check; and

