

By: Davis

H.B. No. 4988

A BILL TO BE ENTITLED

AN ACT

relating to national criminal history reviews of a member of a board of trustees of an independent school district; authorizing a fee.

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

SECTION 1. Subchapter C, Chapter 11, Education Code, is amended by adding Sections 11.0561 and 11.067 to read as follows:

Sec. 11.0561. NATIONAL CRIMINAL HISTORY RECORD INFORMATION REVIEW OF MEMBER OF BOARD OF TRUSTEES. (a) In this section, "national criminal history record information" has the meaning assigned by Section 22.081.

(b) A member of a board of trustees of a school district must submit to a national criminal history record information review under this section.

(c) A school district shall send, or ensure that each member of the board of trustees sends, to the Department of Public Safety information that is required by the department for obtaining national criminal history record information, which may include fingerprints and photographs.

(d) The department shall obtain the member's national criminal history record information and report the results through the criminal history clearinghouse as provided by Section 411.0845, Government Code.

(e) Each school district shall obtain all criminal history record information of each person serving as a member of the board

1 of trustees of the district through the criminal history
2 clearinghouse as provided by Section 411.0845, Government Code, to
3 confirm the person's eligibility for office under Sections 11.061
4 and 11.066 and to determine whether the person is prohibited from
5 engaging in certain conduct under Section 11.067. Notwithstanding
6 Section 411.097(d), Government Code, a district shall maintain a
7 record of information received under this section.

8 (f) A school district shall submit all criminal history
9 record information obtained under Subsection (e) to the agency. The
10 agency shall maintain a record of all information received under
11 this subsection.

12 (g) A school district may require a person submitting to a
13 national criminal history record information review under this
14 section to pay a fee related to obtaining criminal history record
15 information under this section.

16 (h) The commissioner may adopt rules to implement this
17 section, including rules establishing deadlines after election for
18 a school district to require a member of a board of trustees to
19 submit fingerprints and photographs in compliance with this
20 section.

21 (i) The agency, a school district, or an employee of the
22 district's board is not civilly or criminally liable for making or
23 receiving a report required under this section.

24 Sec. 11.067. CERTAIN CONDUCT PROHIBITED BY TRUSTEE
25 CONVICTED OF CERTAIN OFFENSES. (a) This section applies to:

26 (1) an offense punishable as a misdemeanor under the
27 following provisions of the Penal Code:

- 1 (A) Section 20.02 (unlawful restraint);
2 (B) Section 21.07 (public lewdness);
3 (C) Section 21.08 (indecent exposure);
4 (D) Section 22.01(a)(1) (assault);
5 (E) Section 22.012 (indecent assault);
6 (F) Section 22.05 (deadly conduct);
7 (G) Section 25.04 (enticing a child);
8 (H) Section 25.07 (violation of certain court
9 orders or conditions of bond in a family violence, child abuse or
10 neglect, sexual assault or abuse, indecent assault, stalking, or
11 trafficking case);
12 (I) Section 43.22 (obscene display or
13 distribution);
14 (J) Section 43.23 (obscenity);
15 (K) Section 43.24 (sale, distribution, or
16 display of harmful material to minor); and
17 (L) Section 43.261 (electronic transmission of
18 certain visual material depicting minor);
19 (2) an attempt or conspiracy to commit an offense
20 described by Subdivision (1); and
21 (3) an offense involving family violence, as defined
22 by Section 71.004, Family Code.
23 (b) A member of the board of trustees of a school district
24 who has been convicted of an offense to which this section applies
25 may not, while engaged in official duties as a member of the board
26 of trustees, enter a campus of the district or attend an activity
27 sponsored or sanctioned by the district.

1 SECTION 2. Section 411.097, Government Code, is amended by
2 adding Subsection (b-1) to read as follows:

3 (b-1) A school district is entitled to obtain from the
4 department criminal history record information maintained by the
5 department that the district is required or authorized to obtain
6 under Section 11.0561, Education Code, that relates to a member of
7 the district's board of trustees.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2023.