

By: Zaffirini

S.B. No. 1192

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to access to criminal history record information for  
3 certain employees, volunteers, and contractors, and for applicants  
4 for those positions, by the Health and Human Services Commission.

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

6 SECTION 1. Section 411.1106, Government Code, is amended by  
7 amending Subsections (b), (c), (d), and (e) and adding Subsections  
8 (b-1), (c-1), and (f) to read as follows:

9 (b) The [~~executive commissioner of the~~] commission[~~, or the~~  
10 ~~executive commissioner's designee,~~] is entitled to obtain from the  
11 department criminal history record information maintained by the  
12 department that relates to a person who is required to be  
13 fingerprinted and is:

14 (1) an applicant for an employment or volunteer  
15 position or an applicant for a contract with the commission [~~for a~~  
16 ~~position~~] in which the person, as an employee, volunteer, or  
17 contractor, an applicable, would have access to sensitive personal  
18 or financial information, as determined by the executive  
19 commissioner, in:

20 (A) the eligibility services division of the  
21 commission; [~~or~~]

22 (B) the commission's office of inspector  
23 general; or

24 (C) the regulatory services division of the

1 commission; or

2 (2) an employee, volunteer, or contractor of the  
3 commission who has access to sensitive personal or financial  
4 information, as determined by the executive commissioner.

5 (b-1) Subject to Section 411.087, the commission is  
6 entitled to:

7 (1) obtain through the Federal Bureau of Investigation  
8 criminal history record information maintained or indexed by that  
9 bureau that pertains to a person described by Subsection (b); and

10 (2) obtain from any other criminal justice agency in  
11 this state criminal history record information maintained by that  
12 agency that relates to a person described by Subsection (b).

13 (c) Criminal history record information obtained by [~~the~~  
14 ~~executive commissioner of~~] the commission[, ~~or by the executive~~  
15 ~~commissioner's designee,~~] under this section [~~Subsection (b)~~] may  
16 not be released or disclosed, except:

17 (1) if the information is in a public record at the  
18 time the information is obtained;

19 (2) on court order;

20 (3) to a criminal justice agency, upon request;

21 (4) with the consent of the person who is the subject  
22 of the criminal history record information; or

23 (5) as provided by Subsection (d).

24 (c-1) Notwithstanding Subsection (c), criminal history  
25 record information obtained by the commission under Subsection  
26 (b)(1) may not be released or disclosed to any person.

27 (d) The commission is not prohibited from disclosing

1 criminal history record information obtained under this section  
2 [~~Subsection (b)~~] in a criminal proceeding or in a hearing conducted  
3 by the commission.

4 (e) The commission [~~executive commissioner~~] shall destroy  
5 all criminal history record information obtained under this section  
6 [~~Subsection (b)~~] as soon as practicable after the information is  
7 used for its authorized purpose.

8 (f) This section does not prohibit the commission from  
9 obtaining and using criminal history record information as provided  
10 by other law.

11 SECTION 2. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2023.