

AN ACT

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

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

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

(b) The ~~[executive commissioner of the]~~ commission~~[, or the executive commissioner's designee,]~~ is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person who is required to be fingerprinted and is:

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

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

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

(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 the department or any other criminal
11 justice agency in this state criminal history record information
12 maintained by the department or other agency that relates to a
13 person described by Subsection (b).

14 (c) Criminal history record information obtained by [~~the~~
15 ~~executive commissioner of~~] the commission[, ~~or by the executive~~
16 ~~commissioner's designee,~~] under Subsection (b-1)(2) [~~(b)~~] may not
17 be released or disclosed, except:

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

20 (2) on court order;

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

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

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

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

1 (d) The commission is not prohibited from disclosing
2 criminal history record information obtained under Subsection
3 (b-1)(2) [~~(b)~~] in a criminal proceeding or in a hearing conducted by
4 the commission.

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1192 passed the Senate on May 1, 2023, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 27, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1192 passed the House, with amendment, on May 24, 2023, by the following vote: Yeas 136, Nays 2, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor