

By: Zaffirini

S.B. No. 1192

A BILL TO BE ENTITLED

1 AN ACT  
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) 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:

13 (1) an applicant for employment for a position in  
14 which the person, as an employee, would have access to sensitive  
15 personal or financial information, as determined by the executive  
16 commissioner, in:

17 (A) the eligibility services division of the  
18 commission; ~~or~~

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

21 (C) the regulatory services division of the  
22 commission;

23 (2) an employee of the commission who has access to  
24 sensitive personal or financial information, as determined by the

1 executive commissioner;

2 (3) an applicant for a volunteer position or a  
3 volunteer in the regulatory services division of the commission; or

4 (4) an applicant for a contract with or a contractor of  
5 the regulatory services division of the commission.

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

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

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

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

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

21 (2) on court order;

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

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

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

26 (d) The commission is not prohibited from disclosing  
27 criminal history record information obtained under this section

1 ~~[Subsection (b)]~~ in a criminal proceeding or in a hearing conducted  
2 by the commission.

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

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

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