

A BILL TO BE ENTITLED

AN ACT

1
2 relating to access to criminal history record information
3 concerning volunteers with certain programs providing activities
4 to children.

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

6 SECTION 1. Subchapter F, Chapter 411, Government Code, is
7 amended by adding Section 411.1401 to read as follows:

8 Sec. 411.1401. ACCESS TO CRIMINAL HISTORY RECORD
9 INFORMATION: PROGRAMS PROVIDING ACTIVITIES FOR CHILDREN. (a) In
10 this section, "activity provider" means a nonprofit program that
11 includes as participants or recipients persons who are younger than
12 17 years of age and that regularly provides athletic, civic, or
13 cultural activities.

14 (b) An activity provider is entitled to obtain from the
15 department criminal history record information maintained by the
16 department that relates to a person who is a volunteer or a
17 volunteer applicant of the activity provider.

18 (c) The department may establish rules governing the
19 administration of this section.

20 (d) An activity provider may use criminal history record
21 information obtained under this section only to determine the
22 suitability of a person for a position as a volunteer and may not
23 keep or retain criminal history record information obtained under
24 this section in any file. Criminal history record information must

1 be destroyed promptly after a determination of suitability is made.

2 (e) Criminal history record information obtained under this
3 section may not be released or disclosed to any person except in a
4 criminal proceeding, on court order, or with the consent of the
5 person who is the subject of the criminal history record
6 information.

7 (f) An employee, officer, or volunteer of an activity
8 provider is not liable in a civil action for damages resulting from
9 a failure to comply with this section unless the act or omission of
10 the employee, officer, or volunteer was intentional, wilfully or
11 wantonly negligent, or done with conscious indifference or reckless
12 disregard for the safety of others.

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2003.