

By: Wentworth

S.B. No. 443

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(d) An activity provider may use criminal history record information obtained under this section only to determine the suitability of a person for a position as a volunteer and may not keep or retain criminal history record information obtained under 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 if the employee, officer, or  
10 volunteer makes a good faith effort to comply.

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, 2003.