

1-1 By: Wentworth S.B. No. 443
1-2 (In the Senate - Filed February 11, 2003; February 17, 2003,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 10, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; March 10, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 443 By: Williams

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to access to criminal history record information
1-11 concerning volunteers with certain programs providing activities
1-12 to children.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter F, Chapter 411, Government Code, is
1-15 amended by adding Section 411.1401 to read as follows:

1-16 Sec. 411.1401. ACCESS TO CRIMINAL HISTORY RECORD
1-17 INFORMATION: PROGRAMS PROVIDING ACTIVITIES FOR CHILDREN. (a) In
1-18 this section, "activity provider" means a nonprofit program that
1-19 includes as participants or recipients persons who are younger than
1-20 17 years of age and that regularly provides athletic, civic, or
1-21 cultural activities.

1-22 (b) An activity provider is entitled to obtain from the
1-23 department criminal history record information maintained by the
1-24 department that relates to a person who is a volunteer or a
1-25 volunteer applicant of the activity provider.

1-26 (c) The department may establish rules governing the
1-27 administration of this section.

1-28 (d) An activity provider may use criminal history record
1-29 information obtained under this section only to determine the
1-30 suitability of a person for a position as a volunteer and may not
1-31 keep or retain criminal history record information obtained under
1-32 this section in any file. Criminal history record information must
1-33 be destroyed promptly after a determination of suitability is made.

1-34 (e) Criminal history record information obtained under this
1-35 section may not be released or disclosed to any person except in a
1-36 criminal proceeding, on court order, or with the consent of the
1-37 person who is the subject of the criminal history record
1-38 information.

1-39 (f) An employee, officer, or volunteer of an activity
1-40 provider is not liable in a civil action for damages resulting from
1-41 a failure to comply with this section unless the act or omission of
1-42 the employee, officer, or volunteer was intentional, wilfully or
1-43 wantonly negligent, or done with conscious indifference or reckless
1-44 disregard for the safety of others.

1-45 SECTION 2. This Act takes effect immediately if it receives
1-46 a vote of two-thirds of all the members elected to each house, as
1-47 provided by Section 39, Article III, Texas Constitution. If this
1-48 Act does not receive the vote necessary for immediate effect, this
1-49 Act takes effect September 1, 2003.

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