

By: Ellis, Gallegos, Deuell

S.B. No. 602

A BILL TO BE ENTITLED

AN ACT

relating to access to criminal history record information concerning employees, volunteers, and applicant volunteers of children's advocacy centers.

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

SECTION 1. Subdivision (3), Subsection (a), Section 411.114, Government Code, is amended to read as follows:

(3) The Department of Protective and Regulatory Services is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(A) a volunteer or applicant volunteer with a local affiliate in this state of Big Brothers/Big Sisters of America;

(B) a volunteer or applicant volunteer with the "I Have a Dream/Houston" program;

(C) a volunteer or applicant volunteer with an organization that provides court-appointed special advocates for abused or neglected children;

(D) a person providing, at the request of the child's parent, in-home care for a child who is the subject of a report alleging the child has been abused or neglected;

(E) a volunteer or applicant volunteer with a Texas chapter of the Make-a-Wish Foundation of America;

1           (F) a person providing, at the request of the  
2 child's parent, in-home care for a child only if the person gives  
3 written consent to the release and disclosure of the information;

4           (G) a child who is related to the caretaker, as  
5 determined under Section 42.002, Human Resources Code, and who  
6 resides in or is present in a child-care facility, family home, or  
7 maternity home, other than a child described by Subdivision (2)(C),  
8 or any other person who has unsupervised access to a child in the  
9 care of a child-care facility, family home, or maternity home;

10          (H) an applicant for a position with the  
11 Department of Protective and Regulatory Services, other than a  
12 position described by Subdivision (2)(D), regardless of the duties  
13 of the position;

14          (I) a volunteer or applicant volunteer with the  
15 Department of Protective and Regulatory Services, other than a  
16 registered volunteer, regardless of the duties to be performed;

17          (J) a person providing or applying to provide  
18 in-home, adoptive, or foster care for children to the extent  
19 necessary to comply with Subchapter B, Chapter 162, Family Code;

20          (K) a Department of Protective and Regulatory  
21 Services employee, other than an employee described by Subdivision  
22 (2)(H), regardless of the duties of the employee's position;

23          (L) a relative of a child in the care of the  
24 Department of Protective and Regulatory Services, to the extent  
25 necessary to comply with Section 162.007, Family Code;

26          (M) a person, other than the subject of a report  
27 described in Subdivision (2)(I), living in the residence in which

1 the alleged victim of the report resides;

2 (N) a contractor or an employee of a contractor  
3 who delivers services to a ward of the Department of Protective and  
4 Regulatory Services under a contract with the estate of the ward;  
5 [~~or~~]

6 (O) a person who seeks unsupervised visits with a  
7 ward of the Department of Protective and Regulatory Services,  
8 including a relative of the ward; or

9 (P) an employee, volunteer, or applicant  
10 volunteer of a children's advocacy center under Subchapter E,  
11 Chapter 264, Family Code.

12 SECTION 2. This Act takes effect September 1, 2003.