

By: Jones of Dallas

H.B. No. 1376

A BILL TO BE ENTITLED

AN ACT

relating to criminal history record checks for potential residents of nursing homes.

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

SECTION 1. Subchapter B, Chapter 242, Health and Safety Code, is amended by adding Section 242.053 to read as follows:

Sec. 242.053. CRIMINAL HISTORY RECORD CHECKS OF POTENTIAL RESIDENTS. An institution may require a potential resident to submit to a criminal history record check before the institution admits the potential resident to the institution. An institution may not charge a potential resident for a criminal history record check.

SECTION 2. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1406 to read as follows:

Sec. 411.1406. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN INSTITUTIONS. (a) An institution licensed under Chapter 242, Health and Safety Code, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is a potential resident at the institution.

(b) Criminal history record information obtained by an institution under Subsection (a) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the information.

1 SECTION 3. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.