

By: Bolton

H.B. No. 3625

A BILL TO BE ENTITLED

AN ACT

relating to background and criminal history checks and for certain state employees who interact with children or supervise persons who interact with children.

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

SECTION 1. Subtitle B, Title 6, Government Code, is amended by adding Chapter 672 to read as follows:

CHAPTER 672. CERTAIN AGENCIES INTERACTING WITH CHILDREN

Sec. 672.001. DEFINITIONS. In this chapter:

(1) "Child" means a person under 18 years of age.

(2) "State agency" means a department, commission, board, office, or other agency in the executive branch of state government, including a university system or institution of higher education as defined by Section 61.003, Education Code.

Sec. 672.002. BACKGROUND AND CRIMINAL HISTORY CHECK. A state agency shall require a background and criminal history check to be completed for an applicant for employment with the agency in a position the duties of which include:

(1) direct interactions with or the opportunity to interact and associate with children; or

(2) supervision of persons who have direct interactions with or the opportunity to interact and associate with children.

Sec. 672.004. RULES. A state agency shall adopt rules to

1 implement this chapter, including procedures for identifying
2 positions requiring background and criminal history checks under
3 this chapter.

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

6 Sec. 411.1406. ACCESS TO CRIMINAL HISTORY RECORD
7 INFORMATION: STATE AGENCIES; CERTAIN EMPLOYEES WITH ACCESS TO
8 CHILDREN. (a) In this section:

9 (1) "Child" means a person under 18 years of age.

10 (2) "State agency" means a department, commission,
11 board, office, or other agency in the executive branch of state
12 government, including a university system or institution of higher
13 education as defined by Section 61.003, Education Code.

14 (b) A state agency is entitled to obtain from the department
15 or a private vendor approved by the department and offering
16 services comparable to the services offered by the department
17 criminal history record information maintained by the department
18 that relates to a person who is an applicant for employment with the
19 agency for a position the duties of which include:

20 (1) direct interactions with or the opportunity to
21 interact and associate with children; or

22 (2) supervision of persons who have direct
23 interactions with or the opportunity to interact and associate with
24 children.

25 (c) Criminal history record information obtained by a state
26 agency under Subsection (b) may be used only to evaluate an
27 applicant for employment as described by Subsection (b).

1 (d) Criminal history record information obtained by a state
2 agency under Subsection (b) may not be released or disclosed to any
3 person except on court order, on proper discovery request during
4 litigation, or with the consent of the person who is the subject of
5 the criminal history record information.

6 (e) The state agency shall destroy criminal history record
7 information that relates to a person no sooner than two years after
8 the person's employment with the agency ends or the agency
9 determines not to employ the person, as applicable.

10 SECTION 3. A state agency shall comply with Chapter 672,
11 Government Code, as added by this Act, not later than October 1,
12 2007.

13 SECTION 4. This Act takes effect September 1, 2007.