

By: Rose

H.B. No. 706

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of background and criminal history check requirements for certain employees of and applicants for employment with the Department of Family and Protective Services.

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

SECTION 1. Chapter 42, Code of Criminal Procedure, is amended by adding Article 42.0182 to read as follows:

Art. 42.0182. REPORT CONCERNING OFFENSES COMMITTED BY DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES EMPLOYEES. Not later than the fifth day after the date an employee of the Department of Family and Protective Services who is engaged in the direct delivery of protective services to children, elderly persons, or persons with disabilities is convicted of or granted deferred adjudication for an offense, the clerk of the court in which the conviction or order of deferred adjudication is entered shall provide to the Department of Family and Protective Services written notice of the person's conviction or deferred adjudication, including the offense on which the conviction or deferred adjudication was based.

SECTION 2. Subchapter C, Chapter 40, Human Resources Code, is amended by adding Section 40.0541 to read as follows:

Sec. 40.0541. REQUIRED BACKGROUND AND CRIMINAL HISTORY CHECKS. (a) The department shall require the following persons to submit a complete set of fingerprints to the department for use in

1 conducting background and criminal history checks:

2 (1) an applicant selected for a position with the  
3 department, the duties of which include direct delivery of  
4 protective services to children, elderly persons, or persons with a  
5 disability; and

6 (2) an employee of the department who:

7 (A) is engaged in the direct delivery of  
8 protective services to children, elderly persons, or persons with a  
9 disability; and

10 (B) has not previously submitted fingerprints to  
11 the department for use in conducting background and criminal  
12 history checks.

13 (b) The department shall obtain criminal history record  
14 information in accordance with Section 411.114, Government Code,  
15 that pertains to a person described by Subsection (a) and is  
16 maintained or indexed by the Federal Bureau of Investigation.

17 (c) The department shall subscribe to the criminal history  
18 clearinghouse established by the Department of Public Safety under  
19 Section 411.0845, Government Code, for updates to criminal history  
20 record information for an employee of the department who is engaged  
21 in the direct delivery of protective services to children, elderly  
22 persons, or persons with a disability.

23 (d) The executive commissioner shall adopt rules necessary  
24 to administer this section. The rules adopted under this section:

25 (1) must require that fingerprints be submitted in a  
26 form and of a quality acceptable to the Department of Public Safety  
27 and the Federal Bureau of Investigation for conducting a criminal

1 history check; and

2 (2) may require that the fingerprints be submitted  
3 electronically through an applicant fingerprinting service center.

4 SECTION 3. Article 42.0182, Code of Criminal Procedure, as  
5 added by this Act, applies only to a conviction of or grant of  
6 deferred adjudication to an employee of the Department of Family  
7 and Protective Services entered on or after the effective date of  
8 this Act.

9 SECTION 4. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2009.