By: Gonzalez H.B. No. 2738

A BILL TO BE ENTITLED

AN ACT

relating to criminal history background checks performed in relation to the occupancy or use of a public housing unit.

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

SECTION 1. Section 411.081(i), Government Code, as amended by Chapters 183 (H.B. 1830), 780 (S.B. 1056), 816 (S.B. 1599), and 1027 (H.B. 4343), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(i) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure under Subsection (d) to the following noncriminal justice agencies or entities only:

(1) the State Board for Educator Certification;

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared service arrangement;

(3) the Texas Medical Board;

(4) the Texas School for the Blind and Visually Impaired;

(5) the Board of Law Examiners;

(6) the State Bar of Texas;

(7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;

(8) the Texas School for the Deaf;

(9) the Department of Family and Protective Services;

(10) the Texas Youth Commission;

(11) the Department of Assistive and Rehabilitative Services;

(12) the Department of State Health Services, a local mental health service, a local mental retardation authority, or a community center providing services to persons with mental illness or retardation;

(13) the Texas Private Security Board;

(14) a municipal or volunteer fire department;

(15) the Texas Board of Nursing;

(16) a safe house providing shelter to children in harmful situations;

(17) a public or nonprofit hospital or hospital district;

(18) the Texas Juvenile Probation Commission;

(19) the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, or the credit union commissioner;

(20) the Texas State Board of Public Accountancy;

(21) the Texas Department of Licensing and Regulation;

(22) the Health and Human Services Commission;

(23) the Department of Aging and Disability Services;

(24) the Texas Education Agency; [~~and~~]

(25) the Guardianship Certification Board; [~~and~~]

(26) a county clerk's office in relation to a proceeding for the appointment of a guardian under Chapter XIII,

Texas Probate Code;

(27) [~~(25)~~] the Department of Information Resources but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A) the Department of Information Resources; or

(B) a contractor or subcontractor of the Department of Information Resources;

(28) [~~(25)~~] the Court Reporters Certification Board; [~~and~~]

(29) [~~(25)~~] the Texas Department of Insurance; and

(30) a housing authority, as defined by Section 392.002, Local Government Code.

SECTION 2. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1175 to read as follows:

Sec. 411.1175. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HOUSING AUTHORITY. (a) In this section:

(1) "Authority," "housing authority," and "housing project" have the meanings assigned by Section 392.002, Local Government Code.

(2) "Covered person" has the meaning assigned by 24 C.F.R. Section 5.100.

(b) A housing authority is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) a tenant of a housing project of the authority;

(2) an applicant for housing in a housing project of

the authority; or

(3) a covered person with respect to housing in a housing project of the authority.

(c) Criminal history record information obtained under Subsection (b) may be released or disclosed to the person who is the subject of the information or as required by 24 C.F.R. Section 966.4(l)(5)(iv), 24 C.F.R. Section 982.553(d), or other applicable federal law.

SECTION 3. To the extent of any conflict, this Act prevails over another Act of the 82nd Legislature, Regular Session, 2011, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.