

By: Lewis

H.B. No. 2937

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to access to the criminal history record information of  
3 certain individuals by public or private institutions of higher  
4 education and the Texas Higher Education Coordinating Board.

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

6 SECTION 1. The heading to Section 411.094, Government Code,  
7 is amended to read as follows:

8 Sec. 411.094. ACCESS TO CRIMINAL HISTORY RECORD  
9 INFORMATION: [~~INSTITUTION OF~~] HIGHER EDUCATION ENTITIES.

10 SECTION 2. Section 411.094(a)(2), Government Code, is  
11 amended to read as follows:

12 (2) "Security-sensitive position" means an employment  
13 position [~~in an institution of higher education~~] held by an  
14 employee who:

15 (A) handles currency;

16 (B) has access to a computer terminal;

17 (C) has access to the personal information or  
18 identifying information of another person;

19 (D) has access to the financial information of  
20 the employer or another person;

21 (E) has access to a master key; or

22 (F) [~~(D)~~] works in a location designated as a  
23 security-sensitive area.

24 SECTION 3. Sections 411.094(b), (c), (d), and (e),

1 Government Code, are amended to read as follows:

2 (b) The Texas Higher Education Coordinating Board and each  
3 ~~[An]~~ institution of higher education are ~~[is]~~ entitled to obtain  
4 from the department criminal history record information maintained  
5 by the department that relates to a person who is an applicant for a  
6 security-sensitive position at the coordinating board or  
7 institution, as applicable.

8 (c) Criminal history record information obtained ~~[by an~~  
9 ~~institution of higher education]~~ under Subsection (b) may be used  
10 only for the purpose of evaluating applicants for employment in  
11 security-sensitive positions.

12 (d) Criminal history record information received ~~[by an~~  
13 ~~institution of higher education]~~ under Subsection (b) may not be  
14 released or disclosed to any person except on court order or with  
15 the consent of the person who is the subject of the criminal history  
16 record information.

17 (e) All ~~[After the expiration of the probationary term of~~  
18 ~~the individual's employment, all]~~ criminal history record  
19 information obtained about an individual under Subsection (b) shall  
20 be destroyed by the coordinating board or by the chief of police of  
21 the institution of higher education, as applicable, as soon as  
22 practicable after the individual becomes employed in a  
23 security-sensitive position and after the expiration of any  
24 probationary term of employment or, if the individual is not hired  
25 for a security-sensitive position, after the information is used  
26 for its authorized purpose.

27 SECTION 4. This Act takes effect immediately if it receives

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