

AN ACT

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

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

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

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

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

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

(A) handles currency;

(B) has access to a computer terminal;

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

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

(E) has access to a master key; or

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

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

H.B. No. 2937

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.

President of the Senate

Speaker of the House

I certify that H.B. No. 2937 was passed by the House on April 26, 2011, by the following vote: Yeas 148, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2937 was passed by the Senate on May 19, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor