

1-1 By: Lewis (Senate Sponsor - Zaffirini) H.B. No. 2937
1-2 (In the Senate - Received from the House April 27, 2011;
1-3 May 3, 2011, read first time and referred to Committee on Higher
1-4 Education; May 12, 2011, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 12, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to access to the criminal history record information of
1-9 certain individuals by public or private institutions of higher
1-10 education and the Texas Higher Education Coordinating Board.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. The heading to Section 411.094, Government Code,
1-13 is amended to read as follows:

1-14 Sec. 411.094. ACCESS TO CRIMINAL HISTORY RECORD
1-15 INFORMATION: [~~INSTITUTION OF~~] HIGHER EDUCATION ENTITIES.

1-16 SECTION 2. Section 411.094(a)(2), Government Code, is
1-17 amended to read as follows:

1-18 (2) "Security-sensitive position" means an employment
1-19 position [in an institution of higher education] held by an
1-20 employee who:

1-21 (A) handles currency;

1-22 (B) has access to a computer terminal;

1-23 (C) has access to the personal information or
1-24 identifying information of another person;

1-25 (D) has access to the financial information of
1-26 the employer or another person;

1-27 (E) has access to a master key; or

1-28 (F) [~~(D)~~] works in a location designated as a
1-29 security-sensitive area.

1-30 SECTION 3. Sections 411.094(b), (c), (d), and (e),
1-31 Government Code, are amended to read as follows:

1-32 (b) The Texas Higher Education Coordinating Board and each
1-33 [An] institution of higher education are [is] entitled to obtain
1-34 from the department criminal history record information maintained
1-35 by the department that relates to a person who is an applicant for a
1-36 security-sensitive position at the coordinating board or
1-37 institution, as applicable.

1-38 (c) Criminal history record information obtained [~~by an~~
1-39 ~~institution of higher education]~~ under Subsection (b) may be used
1-40 only for the purpose of evaluating applicants for employment in
1-41 security-sensitive positions.

1-42 (d) Criminal history record information received [~~by an~~
1-43 ~~institution of higher education]~~ under Subsection (b) may not be
1-44 released or disclosed to any person except on court order or with
1-45 the consent of the person who is the subject of the criminal history
1-46 record information.

1-47 (e) All [After the expiration of the probationary term of
1-48 the individual's employment, all] criminal history record
1-49 information obtained about an individual under Subsection (b) shall
1-50 be destroyed by the coordinating board or by the chief of police of
1-51 the institution of higher education, as applicable, as soon as
1-52 practicable after the individual becomes employed in a
1-53 security-sensitive position and after the expiration of any
1-54 probationary term of employment or, if the individual is not hired
1-55 for a security-sensitive position, after the information is used
1-56 for its authorized purpose.

1-57 SECTION 4. This Act takes effect immediately if it receives
1-58 a vote of two-thirds of all the members elected to each house, as
1-59 provided by Section 39, Article III, Texas Constitution. If this
1-60 Act does not receive the vote necessary for immediate effect, this
1-61 Act takes effect September 1, 2011.

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