

1-1 By: Williams S.B. No. 568  
1-2 (In the Senate - Filed February 9, 2011; February 17, 2011,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 21, 2011, reported favorably by the following vote: Yeas 6,  
1-5 Nays 0; April 21, 2011, sent to printer.)

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

1-8 relating to access by a public institution of higher education to  
1-9 the criminal history record information of certain persons seeking  
1-10 to reside in on-campus housing.

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: PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION;  
1-16 SECURITY-SENSITIVE POSITION.

1-17 SECTION 2. Subchapter F, Chapter 411, Government Code, is  
1-18 amended by adding Section 411.0945 to read as follows:

1-19 Sec. 411.0945. ACCESS TO CRIMINAL HISTORY RECORD  
1-20 INFORMATION: PUBLIC INSTITUTION OF HIGHER EDUCATION; ON-CAMPUS  
1-21 STUDENT HOUSING. (a) In this section, "institution of higher  
1-22 education" has the meaning assigned by Section 61.003, Education  
1-23 Code.

1-24 (b) An institution of higher education is entitled to obtain  
1-25 from the department criminal history record information maintained  
1-26 by the department that relates to a student, or to an applicant for  
1-27 admission as a student, who applies to reside in on-campus housing  
1-28 at the institution.

1-29 (c) Criminal history record information obtained by an  
1-30 institution of higher education under Subsection (b) may be used by  
1-31 the chief of police of the institution or by the institution's  
1-32 housing office only for the purpose of evaluating current students  
1-33 or applicants for enrollment who apply to reside in on-campus  
1-34 housing at the institution.

1-35 (d) Criminal history record information received by an  
1-36 institution of higher education under Subsection (b) may not be  
1-37 released or disclosed to any person except on court order or with  
1-38 the consent of the person who is the subject of the criminal history  
1-39 record information.

1-40 (e) As soon as practicable after the beginning of the  
1-41 academic period for which the person's housing application was  
1-42 submitted, all criminal history record information obtained about a  
1-43 person under Subsection (b) shall be destroyed by the chief of  
1-44 police of the institution or by the institution's housing office,  
1-45 as applicable.

1-46 SECTION 3. The change in law made by this Act applies only  
1-47 to a person who applies to reside in on-campus housing at a public  
1-48 institution of higher education for an academic period that begins  
1-49 on or after the effective date of this Act.

1-50 SECTION 4. This Act takes effect immediately if it receives  
1-51 a vote of two-thirds of all the members elected to each house, as  
1-52 provided by Section 39, Article III, Texas Constitution. If this  
1-53 Act does not receive the vote necessary for immediate effect, this  
1-54 Act takes effect September 1, 2011.

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