

By: Nelson

S.B. No. 128

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to criminal history record information concerning certain  
3 applicants and clients of the Department of Assistive and  
4 Rehabilitative Services.

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

6 SECTION 1. Section 411.117, Government Code, is amended to  
7 read as follows:

8 Sec. 411.117. ACCESS TO CRIMINAL HISTORY RECORD  
9 INFORMATION: DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES  
10 [~~TEXAS REHABILITATION COMMISSION~~]. The Department of Assistive and  
11 Rehabilitative Services [~~Texas Rehabilitation Commission~~] is  
12 entitled to obtain from the department criminal history record  
13 information maintained by the department that relates to a person  
14 who is:

15 (1) an applicant for [~~rehabilitation~~] services of the  
16 Department of Assistive and Rehabilitative Services [~~Texas~~  
17 ~~Rehabilitation Commission~~];

18 (2) a client of the Department of Assistive and  
19 Rehabilitative Services [~~Texas Rehabilitation Commission~~]; or

20 (3) an applicant for employment whose potential duties  
21 include direct contact with clients of the Department of Assistive  
22 and Rehabilitative Services [~~Texas Rehabilitation Commission~~].

23 SECTION 2. Sections 111.058 and 111.0581, Human Resources  
24 Code, are transferred to Subchapter B, Chapter 117, Human Resources

1 Code, redesignated as Sections 117.033 and 117.034, respectively,  
2 and amended to read as follows:

3 Sec. 117.033 [~~111.058~~]. CRIMINAL HISTORY [~~CONVICTION~~]  
4 RECORD INFORMATION. (a) The department [~~commission~~] may obtain  
5 criminal history [~~conviction~~] record information from the Texas  
6 Department of Criminal Justice and from the Texas Department of  
7 Public Safety if the criminal history [~~conviction~~] records relate  
8 to:

9 (1) an applicant selected for employment with the  
10 department [~~commission~~];

11 (2) an applicant for [~~rehabilitation~~] services of the  
12 department; or

13 (3) a client of the department [~~commission~~].

14 (b) The Texas Department of Criminal Justice and the Texas  
15 Department of Public Safety upon request shall supply to the  
16 department [~~commission~~] criminal history [~~conviction~~] record  
17 information relating to applicants selected for employment with the  
18 department [~~commission~~], applicants for [~~rehabilitation~~] services  
19 of the department, or clients of the department [~~commission~~]. The  
20 department [~~commission~~] shall treat all criminal history  
21 [~~conviction~~] record information as privileged and confidential and  
22 for department [~~commission~~] use only.

23 Sec. 117.034 [~~111.0581~~]. CRIMINAL HISTORY RECORD  
24 INFORMATION: APPLICANTS FOR EMPLOYMENT. [~~(a)~~] The executive  
25 commissioner [~~board~~] by rule shall establish criteria for denying a  
26 person's application for employment based on criminal history  
27 record [~~background~~] information obtained pursuant to Section

1 411.117, Government Code.

2 ~~[(b) The commission shall treat all criminal history record~~  
3 ~~information as privileged and confidential and for commission use~~  
4 ~~only.]~~

5 SECTION 3. The following provisions are repealed:

6 (1) Section 411.0985, Government Code; and

7 (2) Section 91.0165, Human Resources Code.

8 SECTION 4. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2013.