

1-1 By: Nelson S.B. No. 128
1-2 (In the Senate - Filed November 27, 2012; January 29, 2013,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; February 26, 2013, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; February 26, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Nelson	X		
1-9	Deuell	X		
1-10	Huffman	X		
1-11	Nichols	X		
1-12	Schwertner	X		
1-13	Taylor	X		
1-14	Uresti	X		
1-15	West	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to criminal history record information concerning certain
1-20 applicants and clients of the Department of Assistive and
1-21 Rehabilitative Services.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 411.117, Government Code, is amended to
1-24 read as follows:

1-25 Sec. 411.117. ACCESS TO CRIMINAL HISTORY RECORD
1-26 INFORMATION: DEPARTMENT OF ASSISTIVE AND REHABILITATIVE SERVICES
1-27 [~~TEXAS REHABILITATION COMMISSION~~]. The Department of Assistive and
1-28 Rehabilitative Services [~~Texas Rehabilitation Commission~~] is
1-29 entitled to obtain from the department criminal history record
1-30 information maintained by the department that relates to a person
1-31 who is:

1-32 (1) an applicant for [~~rehabilitation~~] services of the
1-33 Department of Assistive and Rehabilitative Services [~~Texas~~
1-34 ~~Rehabilitation Commission~~];

1-35 (2) a client of the Department of Assistive and
1-36 Rehabilitative Services [~~Texas Rehabilitation Commission~~]; or

1-37 (3) an applicant for employment whose potential duties
1-38 include direct contact with clients of the Department of Assistive
1-39 and Rehabilitative Services [~~Texas Rehabilitation Commission~~].

1-40 SECTION 2. Sections 111.058 and 111.0581, Human Resources
1-41 Code, are transferred to Subchapter B, Chapter 117, Human Resources
1-42 Code, redesignated as Sections 117.033 and 117.034, respectively,
1-43 and amended to read as follows:

1-44 Sec. 117.033 [~~111.058~~]. CRIMINAL HISTORY [~~CONVICTION~~]
1-45 RECORD INFORMATION. (a) The department [~~commission~~] may obtain
1-46 criminal history [~~conviction~~] record information from the Texas
1-47 Department of Criminal Justice and from the Texas Department of
1-48 Public Safety if the criminal history [~~conviction~~] records relate
1-49 to:

1-50 (1) an applicant selected for employment with the
1-51 department [~~commission~~];

1-52 (2) an applicant for [~~rehabilitation~~] services of the
1-53 department; or

1-54 (3) a client of the department [~~commission~~].

1-55 (b) The Texas Department of Criminal Justice and the Texas
1-56 Department of Public Safety upon request shall supply to the
1-57 department [~~commission~~] criminal history [~~conviction~~] record
1-58 information relating to applicants selected for employment with the
1-59 department [~~commission~~], applicants for [~~rehabilitation~~] services
1-60 of the department, or clients of the department [~~commission~~]. The
1-61 department [~~commission~~] shall treat all criminal history

2-1 ~~[conviction]~~ record information as privileged and confidential and
2-2 for department ~~[commission]~~ use only.

2-3 Sec. 117.034 ~~[111.0581]~~. CRIMINAL HISTORY RECORD
2-4 INFORMATION: APPLICANTS FOR EMPLOYMENT. ~~[(a)]~~ The executive
2-5 commissioner ~~[board]~~ by rule shall establish criteria for denying a
2-6 person's application for employment based on criminal history
2-7 record ~~[background]~~ information obtained pursuant to Section
2-8 411.117, Government Code.

2-9 ~~[(b) The commission shall treat all criminal history record~~
2-10 ~~information as privileged and confidential and for commission use~~
2-11 ~~only.]~~

2-12 SECTION 3. The following provisions are repealed:

2-13 (1) Section 411.0985, Government Code; and

2-14 (2) Section 91.0165, Human Resources Code.

2-15 SECTION 4. This Act takes effect immediately if it receives
2-16 a vote of two-thirds of all the members elected to each house, as
2-17 provided by Section 39, Article III, Texas Constitution. If this
2-18 Act does not receive the vote necessary for immediate effect, this
2-19 Act takes effect September 1, 2013.

2-20 * * * * *