

AN ACT

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

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: HIGHER EDUCATION ENTITIES; SECURITY-SENSITIVE POSITION.

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

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

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

(c) Criminal history record information obtained by an institution of higher education under Subsection (b) may be used by

1 the chief of police of the institution or by the institution's
2 housing office only for the purpose of evaluating current students
3 or applicants for enrollment who apply to reside in on-campus
4 housing at the institution. The institution shall notify a student
5 who is the subject of the criminal history record information of any
6 use of the information to deny the student the opportunity to reside
7 in on-campus housing at the institution.

8 (d) Criminal history record information received by an
9 institution of higher education under Subsection (b) may not be
10 released or disclosed to any person except on court order or with
11 the consent of the person who is the subject of the criminal history
12 record information.

13 (e) As soon as practicable after the beginning of the
14 academic period for which the person's housing application was
15 submitted, all criminal history record information obtained about a
16 person under Subsection (b), including any copy of the content of
17 that information held by the institution, shall be destroyed by the
18 chief of police of the institution of higher education or by the
19 institution's housing office, as applicable.

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

24 SECTION 4. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

1 Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 146 passed the Senate on March 27, 2013, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 23, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 146 passed the House, with amendment, on May 20, 2013, by the following vote: Yeas 132, Nays 7, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor