

By: Keough

H.B. No. 2990

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Health and Human Services Commission to obtain criminal history record information regarding applicants for employment and certain current employees.

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

SECTION 1. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1410 to read as follows:

Sec. 411.1410. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The executive commissioner of the health and human services commission or his designee is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for employment for a position in which the employee has access to sensitive personal or financial information, as determined by the executive commissioner, in the following divisions or programs:

(A) the Office of Eligibility Services, as established by Section 531.008(c)(1), Government Code;

(B) the Office of Inspector General, as established by Section 531.008(c)(2), Government Code; or

(2) a person who is currently employed by the commission and has access to sensitive personal or financial information, as determined by the executive commissioner.

1 (b) Except as provided by Subsection (c), criminal history
2 record information obtained by the executive commissioner of the
3 health and human services commission or his designee under
4 Subsection (a) may not be released or disclosed, unless:

5 (1) the information is a public record at the time the
6 executive commissioner obtains the information;

7 (2) by order of a court;

8 (3) to a criminal justice agency, upon request; or

9 (4) with the consent of the person who is the subject
10 of the criminal history record information.

11 (c) The commission is not prohibited from disclosing
12 criminal history record information obtained under Subsection (a)
13 in a criminal proceeding or in a hearing conducted by the
14 commission.

15 (d) All criminal history record information obtained about
16 an individual under Subsection (a) shall be destroyed by the
17 commission as soon as practicable after the information is used for
18 its authorized purpose.

19 SECTION 2. Subchapter B, Chapter 531, Government Code, is
20 amended by adding Section 531.00551 to read as follows:

21 Sec. 531.00551. CRIMINAL BACKGROUND CHECKS. (a) The
22 executive commissioner is entitled to obtain from the department of
23 public safety criminal history record information maintained by the
24 department that relates to a person who is:

25 (1) an applicant for employment for a position in
26 which the employee has access to sensitive personal or financial
27 information, as determined by the executive commissioner, in the

1 following divisions or program:

2 (A) the Office of Eligibility Services, as
3 established by Section 531.008(c)(1), Government Code;

4 (B) the Office of Inspector General, as
5 established by Section 531.008(c)(2), Government Code; or

6 (2) a person who is currently employed by the
7 commission and has access to sensitive personal or financial
8 information, as determined by the executive commissioner.

9 (b) The executive commissioner may require a person
10 described by Subsection (a) to submit fingerprints in a form and of
11 a quality acceptable to the Department of Public Safety and the
12 Federal Bureau of Investigation for use in conducting a criminal
13 history background check.

14 (c) Criminal history record information obtained by the
15 executive commissioner under Subsection (a) may be used only to
16 evaluate the qualification or suitability for employment of:

17 (1) an applicant for employment for a position in
18 which the employee has access to sensitive personal or financial
19 information in the following divisions or programs:

20 (A) the Office of Eligibility Services, as
21 established by Section 531.008(c)(1), Government Code;

22 (B) the Office of Inspector General, as
23 established by Section 531.008(c)(2), Government Code; or

24 (2) a person who is currently employed by the
25 commission and has access to sensitive personal or financial
26 information, as determined by the executive commissioner.

27 (d) Except as provided by Subsection (d) the executive

1 commissioner shall keep confidential any background information
2 obtained under this section and may not disclose or release the
3 information unless:

4 (1) the information is a public record at the time the
5 executive commissioner obtains the information; or

6 (2) the executive commissioner releases the
7 information:

8 (A) under order from a court;

9 (B) with the permission of the applicant or
10 employee; or

11 (C) to a governmental agency entitled to receive
12 such information.

13 (e) The commission is not prohibited from disclosing
14 criminal history record information obtained under Subsection (a)
15 in a criminal proceeding or in a hearing conducted by the
16 commission.

17 (f) Notwithstanding Subsections (b) and (c), criminal
18 history record information obtained from the Federal Bureau of
19 Investigation may be released or disclosed only to a governmental
20 entity or as authorized by federal statute, federal rule, or
21 federal executive order.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2015.