

By: Uresti
(Naishtat, Peña)

S.B. No. 1496

A BILL TO BE ENTITLED

AN ACT

relating to background checks conducted by the Department of Family and Protective Services for certain child-care providers.

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

SECTION 1. Section 42.0523(b), Human Resources Code, is amended to read as follows:

(b) Before the department may list a child-care provider's home under this section, in addition to conducting the ~~[any other]~~ background or criminal history check required under Section 42.056 ~~[for a family home listing]~~, the department must search the central database of sex offender registration records maintained by the Department of Public Safety under Chapter 62, Code of Criminal Procedure, to determine whether the provider is listed in the registry as a sex offender.

SECTION 2. Sections 42.056(a-2) and (a-4), Human Resources Code, and Section 42.056(c), Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(a-2) In accordance with rules adopted by the executive commissioner, the director, owner, or operator of a residential child-care facility, listed or registered family home, group day-care home, day-care center, before-school or after-school program, or school-age program shall submit a complete set of fingerprints of each person whose name is required to be submitted

1 by the director, owner, or operator under Subsection (a), unless
2 the person is only required to have the person's name submitted
3 based on criteria specified by Subsection (a)(7). This subsection
4 does not apply to a family home that is subject to regulation by the
5 department under Section 42.0523 [~~program that is exempt from the~~
6 ~~licensing requirements of Section 42.041~~].

7 (a-4) In accordance with rules adopted by the executive
8 commissioner, the director, owner, or operator of a facility or
9 listed or registered family home shall submit a complete set of
10 fingerprints of each person whose name is required to be submitted
11 by the director, owner, or operator under Subsection (a) if:

12 (1) the person resided in another state during the
13 five years preceding the date the person's name was required to be
14 submitted under Subsection (a); or

15 (2) the director, owner, or operator has reason to
16 suspect that the person has a criminal history in another state.

17 (c) The executive commissioner by rule shall require a
18 child-care facility, child-placing agency, or listed or registered
19 family home to pay to the department a fee in an amount not to exceed
20 the administrative costs the department incurs in conducting a
21 background and criminal history check under this section.

22 SECTION 3. This Act takes effect September 1, 2016.