



17 MAY 17 PM 12:50
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Raymond

1 Amend C.S.S.B. No. 11 (house committee printing) as follows:

2 (1) On page 37, line 18, strike "Section 265.0042" and
3 substitute "Sections 265.0041, 265.0042, 265.0043, 265.0044, and
4 265.0045".

5 (2) On page 37, between lines 18 and 19, insert the
6 following:

7 Sec. 265.0041. RISK MAPPING FOR PREVENTION AND EARLY
8 INTERVENTION SERVICES. (a) The department may use risk mapping,
9 including risk terrain modeling systems, predictive analytic
10 systems, or geographic risk assessments, and may develop a system
11 or assessment under Subsection (c) to:

12 (1) identify geographic areas of the state that have a
13 high incidence of child maltreatment and child fatalities resulting
14 from abuse or neglect;

15 (2) identify family dynamics and other factors that
16 indicate a high risk of child maltreatment and child fatalities
17 resulting from abuse or neglect;

18 (3) offer opportunities to provide prevention
19 services through voluntary services to individuals living in areas
20 identified under Subdivision (1) and individuals who exhibit
21 factors identified under Subdivision (2); and

22 (4) guide decisions about the allocation of resources
23 for prevention and early intervention programs and services.

24 (b) The department may use data gathered or received under
25 this section only as authorized by Section 265.0044.

26 (c) The Health and Human Services Commission, on behalf of
27 the department, may enter into agreements with institutions of
28 higher education to develop or adapt, in coordination with the
29 department, a risk terrain modeling system, a predictive analytic

1 system, or a geographic risk assessment to be used for purposes of
2 this section.

3 (3) On page 38, between lines 2 and 3, insert the following:

4 Sec. 265.0043. INTERAGENCY SHARING OF DATA FOR RISK
5 MAPPING. Notwithstanding any other provision of law, state
6 agencies, including the Texas Education Agency, the Texas Juvenile
7 Justice Department, the Health and Human Services Commission, the
8 Department of State Health Services, and the Department of Public
9 Safety, shall disclose information relevant to preventing or
10 reducing the risk factors for child abuse, neglect, or juvenile
11 delinquency only to the division for the purpose of implementing
12 Section 265.0041.

13 Sec. 265.0044. RESTRICTIONS ON USE AND ACCESS. (a) A
14 governmental entity may not use information gathered or received
15 for the purposes of Section 265.0041 or 265.0042 that identifies or
16 that could reasonably identify an individual or family to target
17 the individual or family for intervention services or for any other
18 purpose other than as authorized by Section 265.0041 or 265.0042,
19 unless the governmental entity gathered or received the information
20 under other authority.

21 (b) A governmental entity that gathers or receives
22 information for the purposes of Section 265.0041 or 265.0042 that
23 identifies or that could reasonably identify an individual or
24 family shall adopt rules to provide safeguards to ensure that:

25 (1) the use or disclosure of the information is
26 restricted to the purposes of Section 265.0041 or 265.0042;

27 (2) only the minimum amount of information necessary
28 to carry out the purposes of Section 265.0041 or 265.0042 is used or
29 disclosed; and

30 (3) only individuals with a justified and documented
31 business need are authorized to access the information.

1 (c) Except as provided by Subsection (d), information
2 gathered or received for the purposes of Section 265.0041 or
3 265.0042 is subject to all applicable state and federal laws and
4 rules relating to privacy and access to the information.

5 (d) Information collected for the purposes of Section
6 265.0041 or 265.0042 is confidential and not subject to disclosure
7 under Chapter 552, Government Code, or to disclosure in response to
8 a subpoena and may not be released or made public except as provided
9 by the rules adopted under this section.

10 (e) The executive commissioner of the Health and Human
11 Services Commission shall adopt rules relating to the use and
12 disclosure of information gathered or received for the purposes of
13 Section 265.0041 or 265.0042, including rules:

14 (1) identifying persons who may receive the
15 information;

16 (2) creating security procedures to protect the
17 information, including requiring the use of nondisclosure
18 agreements; and

19 (3) enacting any other restriction the executive
20 commissioner determines is appropriate.

21 Sec. 265.0045. CRIMINAL PENALTY. (a) A person commits an
22 offense if the person uses or discloses information in violation of
23 Section 265.0044 or a rule relating to the use or disclosure of
24 information adopted under that section.

25 (b) An offense under Subsection (a) is a state jail felony
26 unless it is shown on the trial of the offense that the person has
27 previously been convicted under this section, in which case the
28 offense is a felony of the third degree.

29 (4) On page 38, line 20, strike "other than" and substitute
30 "including [other than]".

31 (5) On page 43, line 6, between "Sec. 40.040." and "FOSTER",

1 insert "COMMUNITY-BASED".

2 (6) On page 43, line 10, following "within the department

3 the", insert "community-based".