87R17265 EAS-D

By:  Howard H.B. No. 3044

Substitute the following for H.B. No. 3044:

By:  Hinojosa C.S.H.B. No. 3044

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal history record information obtained by certain facilities and private agencies on behalf of facilities.

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

SECTION 1.  Section 411.1387(b-1), Government Code, is amended to read as follows:

(b-1)  A facility or a private agency on behalf of a facility:

(1)  shall [~~is entitled to~~] obtain from the department criminal history record information maintained by the department or an equivalent or enhanced background check that relates to a person who is[~~:~~

[~~(1)~~]  an applicant for employment with, an employee of, or a volunteer with the facility; and

(2)  is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(A)  an applicant for employment with or an employee of a person or business that contracts with the facility; or

(B) [~~(3)~~]  a student enrolled in an educational program or course of study who is at the facility for educational purposes.

SECTION 2.  Section 250.002(a-1), Health and Safety Code, is amended to read as follows:

(a-1)  A facility or a private agency on behalf of a facility:

(1)  shall [~~is entitled to~~] obtain from the Department of Public Safety of the State of Texas criminal history record information maintained by the Department of Public Safety or an equivalent or enhanced background check that relates to a person who is[~~:~~

[~~(1)~~]  an applicant for employment with, an employee of, or a volunteer with the facility; and

(2)  is entitled to obtain from the Department of Public Safety criminal history record information maintained by the Department of Public Safety that relates to a person who is:

(A)  an applicant for employment with or an employee of a person or business that contracts with the facility;

(B) [~~(3)~~]  an applicant for employment by or an employee of an individual employer; or

(C) [~~(4)~~]  a student enrolled in an educational program or course of study who is at the facility for educational purposes.

SECTION 3.  Section 411.1387(b-1), Government Code, and Section 250.002(a-1), Health and Safety Code, as amended by this Act, apply only to criminal history record information obtained on or after the effective date of this Act. Criminal history record information obtained before the effective date of this Act is governed by the law in effect when the criminal history record information was obtained, and the former law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2021.