

By: Howard

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

1 amended to read as follows:

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

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

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

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

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

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

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

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

1 for that purpose.

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