

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

1

AN ACT

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

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

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

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

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

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

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

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

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

24 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.