

By: Howard

H.B. No. 3044

A BILL TO BE ENTITLED

AN ACT

relating to certain criminal history record information obtained by home and community support service agencies.

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

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

(a-2) Notwithstanding Subsection (a-1), a facility licensed under Chapter 142 or exempt from licensing under Section 142.003(a)(19), or a private agency on behalf of the facility, must obtain criminal history record information maintained by the Department of Public Safety of the State of Texas that relates to a person who is an applicant for employment with, an employee of, or a volunteer with the facility from the department under Section 411.1387, Government Code, instead of this section. The applicable provisions of this chapter continue to apply to a facility, or a private agency on the facility's behalf, that conducts a criminal history check on a person described by this subsection under Section 411.1387, Government Code, to the same extent as if the criminal history check had been conducted under this section. To the extent of any conflict, Section 411.1387, Government Code, prevails over this chapter.

(b) A facility may:

(1) pay a private agency to obtain criminal history

1 record information for a person described by Subsection (a-1) or
2 (a-2) directly from the Department of Public Safety of the State of
3 Texas; or

4 (2) obtain the information directly from the
5 Department of Public Safety.

6 SECTION 2. Section 250.002(a-2), Health and Safety Code, as
7 added by this Act, applies only to criminal history record
8 information obtained on or after the effective date of this Act.
9 Criminal history record information obtained before the effective
10 date of this Act is governed by the law in effect when the criminal
11 history record information was obtained, and the former law is
12 continued in effect for that purpose.

13 SECTION 3. This Act takes effect September 1, 2021.