Zaffirini 1-1 By: S.B. No. 1061 (In the Senate - Filed March 5, 2021; March 18, 2021, read first time and referred to Committee on Health & Human Services; April 19, 2021, reported adversely, with favorable Committee 1-2 1-3 1-4 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 19, 2021, 1-6 sent to printer.)

COMMITTEE VOTE 1-7

| 1-8 | | Yea | Nay | Absent | PNV |
|------|------------|-----|-----|--------|-----|
| 1-9 | Kolkhorst | X | _ | | |
| 1-10 | Perry | X | | | |
| 1-11 | Blanco | X | | | |
| 1-12 | Buckingham | X | | | |
| 1-13 | Campbell | X | | | |
| 1-14 | Hall | X | | | |
| 1-15 | Miles | X | | | |
| 1-16 | Powell | X | | | |
| 1-17 | Seliger | X | | | |

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1061 By: Powell

1-19 A BILL TO BE ENTITLED 1-20 AN ACT

> relating to background and criminal history checks for operators and employees of certain child-care facilities.

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

SECTION 1. Section 42.159, Human Resources Code, is amended

by adding Subsections (b-1), (b-2), and (c-1) to read as follows:

(b-1) A person subject to the background and criminal history check required by Subsection (a) or (b) shall submit to the commission a complete set of fingerprints.

(b-2) The executive commissioner shall

implement this section. The rules adopted under this section:

(1) must require that the fingerprints submitted be in a form and of a quality acceptable to the Department of Public Safety and the Federal Bureau of Investigation for the purpose of

conducting a criminal history check;
(2) may require that the fingerprints be submitted electronically through an applicant fingerprinting service center; and

may allow the commission to waive a fingerprint submission required by this section if:

whom (A) the person for the submission is

required has:

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(i) a fingerprint-based criminal history check on file with the commission obtained under Section 411.114, Government Code; or

(ii) a fingerprint-based criminal history clearinghouse record, as provided by Section 411.0845, Government Code, that is accessible to the commission through the Department of Public Safety and obtained under Section 411.114, Government Code; and

(B) the commission has an active subscription to the Federal Bureau of Investigation's National Record of Arrest and Prosecution Back Service for the person for whom the fingerprint submission is required.

(c-1) For each person whose fingerprints are submitted under Subsection (b-1), the department shall conduct a state and Federal Bureau of Investigation criminal history check by:

(1) submitting the person's fingerprints, or causing the fingerprints to be submitted electronically, to the Department 1-57 1-58 1-59 of Public Safety for the purpose of conducting a state and federal criminal history check; and 1-60

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(2) using the resulting information made available by that department under Section 411.114, Government Code, and by the Federal Bureau of Investigation and any other criminal justice agency under Section 411.087, Government Code.

agency under Section 411.087, Government Code.

SECTION 2. Section 42.206, Human Resources Code, is amended by amending Subsection (b) and adding Subsections (b-1) and (c-1) to read as follows:

- (b) In addition to the requirements of Subsection (a), a shelter shall submit a complete set of fingerprints of each person required to undergo a criminal history check under Subsection (a) [if:
- [(1) the person has lived outside the state at any time during the previous five years; or
- [(2) the shelter has reason to suspect that the person has a criminal history in another state].
- (b-1) The executive commissioner shall adopt rules to implement this section. The rules adopted under this section:
- (1) must require that the fingerprints submitted be in a form and of a quality acceptable to the Department of Public Safety and the Federal Bureau of Investigation for purposes of conducting a criminal history check;
- (2) may require that the fingerprints be submitted electronically through an applicant fingerprinting service center; and
- (3) may allow the commission to waive a fingerprint submission required by this section if:
- (A) the person for whom the submission is required has:

(i) a fingerprint-based criminal history check on file with the commission obtained under Section 411.114, Government Code; or

- (ii) a fingerprint-based criminal history clearinghouse record, as provided by Section 411.0845, Government Code, that is accessible to the commission through the Department of Public Safety and obtained under Section 411.114, Government Code; and
- (B) the commission has an active subscription to the Federal Bureau of Investigation's National Record of Arrest and Prosecution Back Service for the person for whom the fingerprint submission is required.
- (c-1) For each person whose fingerprints are submitted under Subsection (b), the department shall conduct a state and Federal Bureau of Investigation criminal history check by:
- (1) submitting the person's fingerprints, or causing the fingerprints to be submitted electronically, to the Department of Public Safety for the purpose of conducting a state and federal criminal history check; and
- (2) using the resulting information made available by that department under Section 411.114, Government Code, and by the Federal Bureau of Investigation and any other criminal justice agency under Section 411.087, Government Code.

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

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