

By: Kolkhorst

S.B. No. 1153

A BILL TO BE ENTITLED

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 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 the purpose 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; or

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

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

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

12 (1) submitting the person's fingerprints, or causing
13 the fingerprints to be submitted electronically, to the Department
14 of Public Safety for the purpose of conducting a state and federal
15 criminal history check; and

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

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

23 (b) In addition to the requirements of Subsection (a), a
24 shelter shall submit a complete set of fingerprints of each person
25 required to undergo a criminal history check under Subsection (a)
26 ~~if:~~

27 ~~[(1) the person has lived outside the state at any time~~

1 ~~during the previous five years; or~~

2 ~~[(2) the shelter has reason to suspect that the person~~
3 ~~has a criminal history in another state].~~

4 (b-1) The executive commissioner shall adopt rules to
5 implement this section. The rules adopted under this section:

6 (1) must require that the fingerprints submitted be in
7 a form and of a quality acceptable to the Department of Public
8 Safety and the Federal Bureau of Investigation for purposes of
9 conducting a criminal history check;

10 (2) may require that the fingerprints be submitted
11 electronically through an applicant fingerprinting service center;
12 and

13 (3) may allow the commission to waive a fingerprint
14 submission required by this section if:

15 (A) the person for whom the submission is
16 required has:

17 (i) a fingerprint-based criminal history
18 check on file with the commission; or

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

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

27 (c-1) For each person whose fingerprints are submitted

1 under Subsection (b), the department shall conduct a state and
2 Federal Bureau of Investigation criminal history check by:

3 (1) submitting the person's fingerprints, or causing
4 the fingerprints to be submitted electronically, to the Department
5 of Public Safety for the purpose of conducting a state and federal
6 criminal history check; and

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

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