

By: Kitzman

H.B. No. 162

A BILL TO BE ENTITLED

AN ACT

relating to certain duties of the owner or operator of a residential child detention facility.

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

SECTION 1. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.14103 to read as follows:

Sec. 411.14103. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: RESIDENTIAL CHILD DETENTION FACILITIES. (a) In this section, "residential child detention facility" has the meaning assigned by Section 250.013, Local Government Code.

(b) The owner or operator of a residential child detention facility is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for employment with, or who is or has been employed by, the facility; or

(2) a consultant, contract employee, independent contractor, intern, or volunteer for the facility or an applicant to serve in one of those positions.

(c) Criminal history record information obtained by the owner or operator under Subsection (b) may be used only to evaluate an applicant for employment with, or a current or former employee of, the facility.

(d) The owner or operator of a residential child detention

1 facility may not release or disclose information obtained under  
2 Subsection (b) except on court order or with the consent of the  
3 person who is the subject of the criminal history record  
4 information.

5 (e) After the expiration of any probationary term of the  
6 person's employment or not later than the 180th day after the date  
7 of receipt of the information, whichever is later, the owner or  
8 operator of the residential child detention facility shall destroy  
9 all criminal history record information obtained under Subsection  
10 (b).

11 SECTION 2. Section 250.013, Local Government Code, is  
12 amended by adding Subsections (e) and (f) to read as follows:

13 (e) The owner or operator of a residential child detention  
14 facility shall enter into a memorandum of understanding with the  
15 governing body of the municipality or the commissioners court of  
16 the county that regulates the facility under this section. The  
17 memorandum must require the facility to:

18 (1) report illness at the facility to the appropriate  
19 local health authority;

20 (2) provide to the governing body or court:

21 (A) a description of the facility's methods for  
22 preventing illness;

23 (B) an emergency evacuation plan;

24 (C) an education plan for the children residing  
25 at the facility for submission to and regulation by the state; and

26 (D) quarterly compliance and safety inspection  
27 reports; and

1           (3) provide to the municipal police department or  
2 county sheriff's department, as applicable:

3                   (A) monthly facility occupancy records; and

4                   (B) a quarterly summary of all facility incident  
5 reports.

6           (f) The owner or operator of a residential child detention  
7 facility shall conduct a criminal history background check on all  
8 facility personnel if at least 10 percent of the facility's  
9 operating expenses are provided directly or indirectly by the  
10 state. Notwithstanding any other law, if the owner or operator  
11 fails to conduct the check, the facility is ineligible to receive  
12 state funding until the state conducts an audit of the facility and  
13 publishes a report of the audit that is available to the public.

14           SECTION 3. Not later than May 1, 2024, a residential child  
15 detention facility shall enter into a memorandum of understanding  
16 required by Section 250.013(e), Local Government Code, as added by  
17 this Act.

18           SECTION 4. This Act takes effect on the 91st day after the  
19 last day of the legislative session.