

By: Kitzman

H.B. No. 97

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 amending Subsection (a) and adding Subsections (e) and  
13 (f) to read as follows:

14 (a) In this section:

15 (1) "Owner or operator" includes a for-profit or  
16 nonprofit organization.

17 (2) "Residential[,—"residential"] child detention  
18 facility" means a private facility other than a facility licensed  
19 by this state that operates under a contract with the United States  
20 Immigration and Customs Enforcement, the United States Department  
21 of Health and Human Services, or another federal agency to provide  
22 24-hour custody or care to unaccompanied immigrant or refugee  
23 children.

24 (e) The owner or operator of a residential child detention  
25 facility shall enter into a memorandum of understanding with the  
26 governing body of the municipality or the commissioners court of  
27 the county that regulates the facility under this section. The

1 memorandum must require the facility to:

2 (1) report illness at the facility to the appropriate  
3 local health authority;

4 (2) provide to the governing body or court, as  
5 applicable:

6 (A) a description of the facility's methods for  
7 preventing illness;

8 (B) an emergency evacuation plan;

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

11 (D) quarterly compliance and safety inspection  
12 reports; and

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

15 (A) monthly facility occupancy records; and

16 (B) a quarterly summary of all facility incident  
17 reports.

18 (f) The owner or operator of a residential child detention  
19 facility shall conduct a criminal history background check on all  
20 facility personnel if at least 10 percent of the owner's,  
21 operator's, or facility's operating expenses are provided directly  
22 or indirectly by the state. Notwithstanding any other law, if the  
23 owner or operator fails to conduct the check, the facility is  
24 ineligible to receive state funding until the state conducts an  
25 audit of the facility and publishes a report of the audit that is  
26 available to the public.

27 SECTION 3. Not later than May 1, 2024, a residential child

1 detention facility shall enter into a memorandum of understanding  
2 required by Section 250.013(e), Local Government Code, as added by  
3 this Act.

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