

BILL ANALYSIS

Senate Research Center
88R18844 MZM-F

H.B. 4123
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Business & Commerce
5/15/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

There are new federal requirements regarding Federal Bureau of Investigation (FBI) criteria for the use of criminal background check information that are intended to lead to a more efficient hiring process or contracting process while ensuring the security of private information. The State of Texas, however, has not yet explicitly aligned state law with the FBI criteria to clarify an entity's attendant duties and responsibilities with respect to that information. For example, there is a lack of clarity in those wide-ranging statutes regarding the destruction of obtained information once it is used for the authorized purpose.

H.B. 4123 would update and reorganize, as applicable, the state's criminal background check requirements relating to access to and use of the information and clarify the duties and responsibilities of an applicable entity with regard to that information and criteria.

H.B. 4123 amends current law relating to access to and use of certain criminal history record information.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board of Insurance is rescinded in SECTION 22 (Section 411.106, Government Code) of this bill.

Rulemaking authority is expressly granted to the Department of Public Safety of the State of Texas in SECTION 43 (Section 411.12505, Government Code) of this bill.

Rulemaking authority previously granted to the Texas Board of Nursing is modified in SECTION 65 (Section 301.2511, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Racing Commission is rescinded in SECTION 71 (Section 2025.251, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.0834, Education Code, by amending Subsections (a), (a-1), (b), (c), (d), (e), (f), (h), (l), (o), and (p) and adding Subsections (b-1), (d-1), (d-2), and (q), as follows:

(a) Provides that this subsection, except as provided by Subsection (a-1), applies to a person who is not an applicant for or holder of a certificate under Subchapter B (Certification of Educators), Chapter 21, and who is offered employment by an entity or a subcontractor of an entity, rather than who is offered employment by an entity on or after January 1, 2008, that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services, if certain criteria are met.

(a-1) Provides that Section 22.0834 (Criminal History Record Information Review of Certain Contract Employees) does not apply to an employee or applicant of a public works contractor, rather than a contracting entity, subcontracting entity, or other person subject to Section 22.08341 (Criminal History Record Information Review by Certain Public Works Contractors) if:

(1) the public work does not involve the construction, alteration, or repair of an instructional facility as defined by Section 46.001 (Definition);

(2) for public work that involves construction of a new instructional facility, the person's duties related to the contracted services will be completed not later than the seventh day before the first date the facility will be used for instructional purposes; or

(3) for a public work that involves an existing instructional facility:

(A) the public work area contains sanitary facilities and is separated from all areas used by students by a secure barrier fence that is not less than six feet in height; and

(B) the contracting entity adopts a policy prohibiting employees, including subcontracting entity employees, from interacting with students or entering areas used by students, informs employees of the policy, and enforces the policy at the public work area.

(b) Requires a person to whom Subsection (a) applies, if the contracting entity is a qualified school contractor, to submit to a national criminal history record information review by the qualified school contractor, rather to a review under this section, before being employed or serving in a capacity described by that subsection.

(b-1) Requires a person to whom Subsection (a) applies, if the contracting entity or subcontracting entity is not a qualified school contractor, to submit to a national criminal history record information review by the school district, charter school, regional education service center, commercial transportation company, or education shared services arrangement.

(c) Requires the qualified school contractor or school district, open-enrollment charter school, or shared services arrangement, rather than requires an entity contracting with a school district, open-enrollment charter school, or shared services arrangement, before or immediately after employing or securing the services of a person to whom Subsection (a) applies, to send or ensure that the person sends to the Department of Public Safety of the State of Texas (DPS) information that is required by DPS for obtaining national criminal history record information, which is authorized to include fingerprints and photographs.

(d) Deletes existing text requiring the entity to certify to the school district that the entity has received all criminal history record information relating to a person to whom Subsection (a) applies. Makes a conforming change.

(d-1) Requires a qualified school contractor acting as a contracting entity to require that any of its subcontracting entities obtain all criminal history record information that relates to an employee to whom Subsection (a) applies if the subcontracting entity is also a qualified school contractor.

(d-2) Requires a qualified school contractor to require that any of its subcontracting entities that are not qualified school contractors comply with Subsection (b-1) as it relates to an employee to whom Subsection (a) applies.

(e) Provides that the requirements of Subsections (b), (d-1), (d-2), and (g) do not apply to a qualified school contractor if a school district, open-enrollment charter school, or shared services arrangement obtains, rather than authorizes a school district to obtain, the criminal history record information of a person to whom this section applies through the criminal history clearinghouse as provided by Section 411.0845 (Criminal History Clearinghouse), Government Code.

(f) Authorizes a school district, in the event of an emergency, to allow a person to whom Subsection (a), rather than Subsections (a) or (g) (relating to requiring a subscriber who is no longer entitled to receive criminal history record information relating to a particular person to notify DPS), applies to enter school district property if the person is accompanied by a district employee.

(h) Authorizes a school district, open-enrollment charter school, shared services arrangement, or qualified school contractor to obtain from any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom this section, rather than to whom Subsection (g), applies. Makes a conforming change.

(l) Deletes existing text requiring a contracting entity to require that a subcontracting entity obtain all criminal history record information that relates to an employee to whom Subsection (a) applies.

(o) Prohibits a school district, charter school, regional education service center, commercial transportation company, education shared services arrangement, or qualified school contractor, contracting entity, or subcontracting entity from permitting an employee to whom Subsection (a) applies to provide services at a school if the employee has been convicted of a felony or misdemeanor offense that would prevent a person from being employed under Section 22.085(a) (relating to requiring a school district, open-enrollment charter school, or shared services arrangement to discharge or refuse to hire an employee or applicant for employment if the district, school, or shared services arrangement obtains information through a criminal history record information review that the employee or applicant meets certain criteria).

(p) Defines "public works contractor" and "qualified school contractor." Makes a nonsubstantive change.

(q) Requires a qualified school contractor to certify to the school district, open-enrollment charter school, or shared services arrangement that the entity has received all criminal history record information relating to a person to whom Subsection (a) applies.

SECTION 2. Amends Section 22.0835(f), Education Code, as follows:

(f) Authorizes a school district, open-enrollment charter school, or shared services arrangement to obtain from DPS or any law enforcement or criminal justice agency all criminal history record information that relates to a person to whom Subsection (e) (relating to providing that certain subsections do not apply to a person who volunteers or is applying to volunteer with a school district, open-enrollment charter school, or shared services arrangement if the person meets certain criteria) applies.

SECTION 3. Amends Section 22.085(c), Education Code, to make conforming changes.

SECTION 4. Amends Section 1104.402(a), Estates Code, to delete existing text creating an exception under Section 1104.403 (Submission of Criminal History Record Information by Proposed Guardian).

SECTION 5. Amends Section 1104.404, Estates Code, as follows:

Sec. 1104.404. EXCEPTION FOR INFORMATION CONCERNING CERTAIN PERSONS. (a) Provides that the clerk described by Section 1104.402 (Court Clerk's Duty to Obtain Criminal History Record Information' Authority to Charge Fee) is not required to obtain criminal history record information from DPS for a person if the Judicial Branch Certification Commission (JBCC) conducted a criminal history check on the person under Sections 155.203 and 155.207 (Use of Criminal History Record Information), Government Code, rather than Chapter 155 (Duties Respecting Guardianship), Government Code. Requires the clerk, however, to obtain criminal history record information from the Federal Bureau of Investigation (FBI) identification division

relating to each person described by Section 1104.402 regardless of whether JBCC obtained information on such a person.

(b) Requires JBCC to provide to the clerk the criminal history record information that was obtained from DPS, rather than from DPS or the FBI. Provides that the commission is prohibited from disseminating criminal history record information that was obtained from the FBI under Section 411.1408 (Access to Criminal History Record Information; Judicial Branch Certification Commission), Government Code, for purposes of determining whether an applicant is ineligible for certification as a guardian.

SECTION 6. Amends Section 1104.405(a), Estates Code, as follows:

(a) Authorizes the court to use the criminal history record information only to determine whether to:

(1) appoint, remove, or continue the appointment of a private professional guardian, a guardianship program, or the Health and Human Services Commission; or

(2) appoint any other person proposed to serve as a guardian under Title 3 (Guardianship and Related Procedures), including a proposed temporary guardian or a proposed successor guardian, other than an attorney.

Deletes existing text providing that criminal history record information obtained or provided under certain sections, including Section 1104.403 is privileged and confidential and is for the exclusive use of the court. Deletes existing text prohibiting the criminal history record information from being released or otherwise disclosed to any person or agency except on consent of the person being investigated.

SECTION 7. Amends Section 14.151(a), Finance Code, as follows:

(a) Requires the Consumer Credit Commissioner or an assistant commissioner, examiner, or other employee of the office of the Consumer Credit Commissioner to obtain criminal history record information maintained by DPS, the FBI Division, or another law enforcement agency relating to a person described by Section 411.095(a), Government Code, rather than Section 411.095(a)(1), Government Code.

SECTION 8. Amends Section 152.203, Government Code, as follows:

Sec. 152.203. RULES ON INELIGIBILITY. Requires JBCC, in accordance with this section and rules adopted by order of the United States Supreme Court, to obtain criminal history record information that is maintained by DPS or the FBI identification division on each applicant for certification, registration, or licensing under Subtitle L (Court Professions Regulation) to be used only for the determination of each applicant's ineligibility under rules adopted by United States Supreme Court order under this section. Prohibits JBCC from using criminal history record information obtained from the FBI identification division under this section for any other purpose. Prohibits JBCC from transferring criminal history record information obtained from the FBI identification division under this section to any other state agency, entity, or person. Requires JBCC to destroy criminal history record information immediately after each determination of ineligibility is made. Makes nonsubstantive changes.

SECTION 9. Amends Section 155.205, Government Code, as follows:

Sec. 155.205. DUTY TO OBTAIN CRIMINAL HISTORY RECORD INFORMATION. (a) Requires JBCC, in accordance with Subsection (c) and the rules adopted by the Supreme Court of Texas (supreme court) under Section 155.203, to obtain criminal history record information that is maintained by DPS. Requires the clerk to obtain in accordance with Subsection (b) criminal history record information from the FBI

identification division relating to an individual seeking appointment as a guardian or temporary guardian.

(b) Requires the clerk, rather than JBCC, to obtain fingerprint-based criminal history record information of a proposed guardian if certain criteria are met. Makes nonsubstantive changes.

(c) Creates this subsection from existing text. Requires JBCC to obtain name-based criminal history record information of a proposed guardian, including any criminal history record information under the current name and all former names of the proposed guardian, if certain criteria are met. Makes nonsubstantive changes.

(d) Requires each proposed guardian described by Subsection (b) to file with JBCC proof of having submitted to a fingerprint-based criminal history search.

SECTION 10. Amends Section 155.207(a), Government Code, as follows:

(a) Deletes existing text requiring JBCC to use the criminal history record information obtained under Subchapter E (Duty to Assist in Qualifying Certain Guardians) only for to maintain the registration of a guardianship under Subchapter D (Guardian Registration and Database).

SECTION 11. Amends Section 411.082, Government Code, by adding Subdivisions (1-a) and (1-b) to define "applicant" and "application."

SECTION 12. Amends Section 411.084(b), Government Code, to authorize criminal history record information obtained from the FBI, notwithstanding Subsection (a) (relating to providing that DPS is authorized to obtain and use criminal history record information maintained by the FBI or DPS that relates to certain persons) or any other provision in Subchapter F (Criminal History Record Information) relating to the release or disclosure of such information, to be released or disclosed only to a governmental entity or as authorized by federal law and regulations, federal executive orders, and federal policy.

SECTION 13. Amends Section 411.0891, Government Code, by amending Subsections (a), (b), and (d) and adding Subsections (a-1) and (e), as follows:

(a) Authorizes DPS to obtain as provided by Subsection (a-1) criminal history record information that relates to a person who:

(1)-(3) makes no changes to these subdivisions;

(4)-(5) makes nonsubstantive changes to these subdivisions;

(6) is an applicant for or holds a license to carry a handgun issued by DPS under Subchapter H (License to Carry a Handgun), or is an applicant for or holds a certification as an instructor issued by DPS under Chapter 411 (Department of Public Safety of the State of Texas);

(7) is an applicant for or holds a capitol access pass issued by DPS under Section 411.0625 (Pass for Expedited Access to Capitol); or

(8) is an applicant for or holds a license or commission issued by DPS under Chapter 1702 (Private Security), Occupations Code.

Deletes existing text providing that DPS, subject to Section 411.087 (Access to Criminal History Record Information Maintained by Federal Bureau of Investigation or Local Criminal Justice Agency), is authorized to obtain and use criminal history record information maintained by the FBI or DPS that relates to certain persons.

(a-1) Provides that DPS, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from any other criminal justice agency in this state criminal history record information maintained by that criminal justice agency that relates to a person described by Subsection (a).

(b) Prohibits DPS from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Authorizes DPS to release or disclose criminal history record information obtained, rather than obtained or used, by DPS under Subsection (a-1)(2) for a purpose described by Subsection (a) to another person or agency only in certain circumstances.

(d) Makes conforming changes to this subsection.

(e) Requires DPS to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 14. Amends Section 411.090, Government Code, by amending Subsections (a) and (b) and adding Subsections (a-1), (d), and (e), as follows:

(a) Provides that the State Board for Educator Certification (SBEC) is entitled to obtain, rather than obtain from DPS, any criminal history record information as provided by Subsection (a-1), rather than information maintained by DPS, about a person who has applied to SBEC for or who currently holds a certificate under Subchapter B, Chapter 21, Education Code.

(a-1) Provides that SBEC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Prohibits SBEC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Provides that criminal history record information obtained by SBEC under Subsection (a-1)(2) in the original form or any subsequent form:

(1) is authorized to be used only for a purpose related to the issuance, denial, reprimand, suspension, revocation, or cancellation of a certificate issued by SBEC; and

(2)-(3) makes nonsubstantive changes to these subdivisions.

Deletes existing text requiring that criminal history record information obtained by SBEC in the original form or any subsequent form be destroyed by SBEC after the information is used for the authorized purposes.

(d) Provides that SBEC is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Education Agency (TEA) or SBEC.

(e) Requires SBEC to destroy criminal history record information that is obtained under Section 411.090 (Access to Criminal History Record Information: State Board for Educator Certification) after the information is used for its authorized purpose.

SECTION 15. Amends Section 411.0901, Government Code, by amending Subsections (a) and (b) and adding Subsections (a-1), (c), and (d), as follows:

(a) Provides that TEA is entitled to obtain criminal history record information as provided by Subsection (a-1), rather than information maintained by DPS, about a person who:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) is employed or is an applicant for employment by an entity that contracts or subcontracts with a school district, open-enrollment charter school, or shared services arrangement, if the applicant or employee has or will have continuing duties related to the contracted or subcontracted services and direct contact with students, rather than is employed or is an applicant for employment by an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement if the employee or applicant has or will have continuing duties relating to the contracted services and the employee or applicant has or will have direct contact with students;

(4) is employed or is an applicant for employment by TEA;

(5) is subject to placement on the registry of persons not eligible for employment in public schools under Section 22.092 (Registry of Persons Not Eligible for Employment in Public Schools), Education Code; or

(6) provides services as a tutor on behalf of a service provider that offers accelerated or supplemental instruction under Section 28.0211 (Accelerated Learning Committee; Accelerated Instruction; Modified Teacher Assignment), Education Code, if the tutor has or will have continuing duties related to the services provided and has or will have direct contact with students.

(a-1) Provides that TEA, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Prohibits TEA from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Provides that criminal history record information obtained by the agency under Subsection (a-1)(2) in the original form or any subsequent form must meet certain criteria. Deletes existing text requiring that criminal history record information obtained by TEA in the original form or any subsequent form be destroyed by TEA after the information is used for the authorized purposes.

(c) Provides that TEA is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by TEA or SBEC.

(d) Requires TEA to destroy criminal history record information that is obtained under Section 411.0901 (Access to Criminal History Record Information: Texas Education Agency) after the information is used for its authorized purpose.

SECTION 16. Amends Section 411.093, Government Code, as follows:

Sec. 411.093. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) Provides that the Texas Department of Licensing and Regulation (TDLR) is entitled to obtain history record information as provided by Subsection (b) that relates to:

(1) an applicant for or the holder of:

(A) a driver education instructor license under Chapter 1001 (Driver and Traffic Safety Education), Education Code;

(B) a license under Chapter 202 (Podiatrists), Occupations Code;

(C) a license under Chapter 401 (Speech-Language Pathologists and Audiologists), Occupations Code; or

(D) a license under Chapter 402 (Hearing Instrument Fitters and Dispensers), Occupations;

(2) a person who is:

(A) an applicant for or the holder of a license under Chapter 91 (Professional Employer Organizations), Labor Code; or

(B) a controlling person, as defined by Chapter 91, Labor Code, of an entity described by Paragraph (A); or

(3) a person who:

(A) is an applicant for or the holder of a license under Chapter 455 (Massage Therapy), Occupations Code; or

(B) has an interest described under Section 455.1525(e) (relating to requiring an applicant, if the applicant for a license is an entity, to submit fingerprints as required for each individual who meets certain criteria), Occupations Code, in an entity described by Paragraph (A).

Deletes existing text providing that TDLR is entitled to obtain from DPS criminal history record information maintained DPS that relates to a person who is:

(1) an applicant for a license, certificate, registration, title, or permit issued by DPS; or

(2) the holder of a license, certificate, registration, title, or permit issued by DPS.

(b) Provides that TDLR, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TDLR from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by the TDLR under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TDLR is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by TDLR or the State Office of Administrative Hearings (SOAH), as applicable.

(e) Requires TDLR destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 17. Amends Section 411.095, Government Code, as follows:

Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CONSUMER CREDIT COMMISSIONER. (a) Provides that the consumer credit commissioner is entitled to obtain rather than obtain from DPS, criminal history record information as provided by Subsection (a-1) that relates to a person who is:

(1)-(2) makes no changes to these subdivisions;

(3)-(4) makes nonsubstantive changes to these subdivisions; or

(5) an officer, director, owner, or employee of a person described by Subdivision (1) or another person having a substantial relationship with that person under certain chapters of the Finance Code.

(a-1) Provides that the consumer credit commissioner, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Prohibits the consumer credit commissioner from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Prohibits the consumer credit commissioner from releasing or disclosing criminal history record information obtained under Subsection (a-1)(2) unless:

(1)-(3) makes nonsubstantive changes to these subdivisions; or

(4) in a hearing where the Office of Consumer Credit Commissioner is a party.

Deletes existing text prohibiting the consumer credit commissioner from releasing or disclosing criminal history record information obtained under this section unless the information is obtained from a fingerprint-based search and the information is released or disclosed.

(c) Requires the consumer credit commissioner to destroy criminal record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 18. Amends Section 411.096, Government Code, as follows:

Sec. 411.096. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS RACING COMMISSION. (a) Provides that the Texas Racing Commission (TRC) is entitled to obtain as provided by Subsection (a-1) criminal history record information that relates to:

(1) a person who:

(A) is an applicant for or the holder of a license or certificate under Chapter 2025 (Licensing), Occupations Code;

(B) is an owner or manager of an applicant or license holder described by Paragraph (A); or

(C) has an interest described under Chapter 2025, Occupations Code, in an entity described by that chapter;

(2) an applicant for employment at or current employee of:

(A) TRC; or

(B) a place of employment within the racing industry of this state; or

(3) an applicant for employment at, current employee of, or person who contracts or may contract to provide goods or services with TRC.

Deletes existing text providing that TRC is entitled to obtain from DPS criminal history record information maintained by DPS that pertains to a person who is appointed to TRC, an applicant for employment by TRC, or an applicant for a license under Subtitle A-1 (Texas Racing Act), Title 13, Occupations Code.

(a-1) Provides that TRC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Prohibits TRC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Prohibits criminal history record information obtained by TRC under Subsection (a-1)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (c). Deletes existing text prohibiting criminal history record information obtained by TRC under Subsection (a) from being released or disclosed to any person except in a criminal proceeding, in a hearing conducted by TRC, on court order, or with the consent of the applicant.

(c) Provides that TRC is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(1) in a criminal proceeding or in a hearing conducted by the TRC or SOAH, as applicable.

(d) Requires the Texas Racing Commission to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 19. Amends Section 411.097, Government Code, by amending Subsections (a), (b), (c), and (d) and adding Subsections (c-1), (g), and (h), as follows:

(a) Provides that a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, is entitled to obtain, rather than obtain from DPS, criminal history record information as provided by Subsection (c-1), rather than information maintained by DPS, that the district, school, service center, shared services arrangement, or entity is required or authorized to obtain under Subchapter C (Criminal History Records), Chapter 22, Education Code, that relates to a person who is:

(1) makes no changes to this subdivision;

(2) makes a nonsubstantive change to this subdivision;

(3) an employee of or applicant for employment by an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834, rather than Sections 22.0834 or 22.08341, Education Code;

(4) an employee of or applicant for employment by a subcontractor of an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834, Education Code; or

(5) a tutor who provides services on behalf of a service provider that offers accelerated or supplemental instruction under Section 28.0211, Education Code.

(b)-(c) Makes conforming changes to these subsections.

(c-1) Provides that a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a), (b) (relating to providing that a school district, charter school, private school, regional education service center, or education shared services arrangement is entitled to obtain criminal history record information that relates to a person who is a volunteer, student teacher, or employee of the district, school, service center, or shared services arrangement), or (c) (relating to providing that an open-enrollment charter school is entitled to obtain criminal history record information as provided that relates to certain persons), as applicable; and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a), (b), or (c), as applicable.

(d) Prohibits a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or

an entity that contracts to provide services to a school district, charter school, or shared services arrangement, from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (c-1)(1). Provides that criminal history record information obtained by a school district, charter school, private school, service center, commercial transportation company, or shared services arrangement, or obtained by an entity that contracts to provide services to a school district, charter school, or shared services arrangement, under Subsection (c-1)(2) in the original form or any subsequent form must meet certain criteria.

Deletes existing text requiring that criminal history record information obtained by a school district, charter school, private school, service center, commercial transportation company, or shared services arrangement, in the original form or any subsequent form be destroyed by the school district, charter school, private school, service center, commercial transportation company, or shared services arrangement on the earlier of the first anniversary of the date the information was originally obtained or the date the information is used for the authorized purpose. Makes nonsubstantive changes.

(g) Provides that a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (c-1)(2) in a criminal proceeding or in a hearing conducted by TEA or SBEC.

(h) Requires school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, as applicable, to destroy criminal history record information that is obtained under Section 411.097 (Access to Criminal History Record Information: Local and Regional Educational Entities) after the information is used for its authorized purpose.

SECTION 20. Amends Section 411.0995, Government Code, as follows:

Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) Creates this subsection from existing text. Provides that the State Board of Veterinary Medical Examiners (SBVME) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a license under Chapter 801 (Veterinarians), Occupations Code, for a person who is:

(1) an applicant for:

(A) a license, temporary license, or special license to practice veterinary medicine;

(B) a veterinary technician license; or

(C) an equine dental provider license; or

(2) a holder of a license described by Subdivision (1)(A).

Deletes existing text providing that SBVME is entitled to obtain from DPS criminal history record information maintained by DPS that relates to a person who is an applicant for a license to practice equine dentistry under Chapter 801, Occupations Code or the holder of a license under that chapter.

(b) Provides that SBVME, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits SBVME from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by SBVME under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that SBVME is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by SBVME.

(e) Requires SBVME to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 21. Amends Section 411.105, Government Code, as follows:

Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. (a) Provides that the Texas State Board of Public Accountancy (TSBPA) is entitled to obtain, rather than obtain from DPS, criminal history record information as provided by Subsection (b) that relates to, rather than information maintained by DPS that relates to a person who is:

(1) an applicant for a license or certification as a certified public accountant under Chapter 901 (Accountants), Occupations Code;

(2) an applicant to take the uniform certified public accountant examination, under Chapter 901, Occupations Code, rather than the uniform CPA examination under that Act;

(3) an applicant for reinstatement of a license or certificate under Chapter 901, Occupations Code;

(4) an applicant for a license or certification renewal under Chapter 901, Occupations Code; or

(5) an owner or an individual who seeks to become an owner of a certified public accountancy firm if the owner or prospective owner is not a license holder under Chapter 901, Occupations Code.

(b) Provides that TSBPA, subject to Section 411.087 of this code and Section 901.169 (Criminal History Record Information), Occupations Code, and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TSBPA from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TSBPA under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TSBPA is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by or on behalf of TSBPA.

(e) Requires TSBPA to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 22. Amends Section 411.106, Government Code, as follows:

Sec. 411.106. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF INSURANCE. (a) Provides that the Texas Department of Insurance (TDI) is entitled to obtain, rather than for good cause shown is entitled to obtain from DPS, criminal history record information as provided by Subsection (a-1), rather than information maintained by DPS, that relates to a person who is:

(1) an applicant for a license, permit, certificate of authority, certificate of registration, or other authorization issued by TDI, rather than the State Board of Insurance, to engage in an activity regulated under the Insurance Code; or

(2) a corporate officer or director of an insurance company regulated by the Texas Department of Insurance.

(a-1) Provides that TDI, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Prohibits TDI from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Prohibits criminal history record information obtained by TDI under Subsection (a-1)(2), rather than Subsection (a), from being disclosed or released to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (b-1). Makes a nonsubstantive change.

(b-1) Provides that TDI is not prohibited from disclosing criminal history record information obtained under Subsection (d)(2) in a criminal proceeding or in a hearing conducted by TDI.

(c) Requires TDI to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose. Deletes existing text requiring TDI, after TDI makes a determination as to the issuance of a license or certificate of authority to an applicant, to seal the criminal history record information regarding the applicant and to deliver the information to the

commissioner of insurance or the commissioner's designee, who is required to maintain the information as provided by State Board of Insurance rule.

SECTION 23. Amends Section 411.107, Government Code, as follows:

Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: RECEIVER. (a) Redefines "receiver."

(b) Provides that a receiver is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to a person who is a creditor or claimant of the receivership estate or against whom the receivership estate has a claim. Deletes existing text providing that a receiver is entitled to obtain from DPS criminal history record information maintained by DPS that the receiver believes is necessary for the investigation of any matter relating to a receivership estate.

(b-1) Provides that a receiver, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (b).

(c) Prohibits the receiver from releasing or disclosing to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). Prohibits criminal history record information obtained by a receiver under Subsection (b-1)(2), rather than Section (b), from being released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

(d) Requires, rather than authorizes, a receiver to destroy criminal history record information obtained by the receiver under this section, rather than under Subsection (b), after the purpose for which the information was obtained is accomplished.

SECTION 24. Amends Section 411.108, Government Code, by amending Subsections (a), (a-1), (b), and (c) and adding Subsections (a-2), (d), and (e), as follows:

(a) Provides that the Texas Lottery Commission (lottery commission) is entitled to obtain criminal history record information as provided by Subsection (a-2) that relates to certain persons under Section 466.201 (Access to Criminal History Record Information), including a lottery operator or prospective lottery operator who has submitted a written proposal to the lottery commission in connection with the procurement of lottery operations and services by the lottery commission. Deletes existing text providing that the lottery commission is entitled to obtain from DPS criminal history record information maintained by DPS that relates to certain persons under Chapter 466 (State Lottery).

(a-1) Makes conforming changes to this subsection.

(a-2) Provides that the lottery commission, subject to certain statutes, and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Prohibits the lottery commission from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-2)(1). Prohibits criminal history record information obtained by the lottery commission under Subsection (a-2)(2), rather than Subsections (a) or (a-1) (relating to criminal history record information as provided by Subsection (a-2) that relates to certain licensed persons) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (c).

(c) Provides that the lottery commission is not prohibited from disclosing to the person who is the subject of the criminal history record information obtained under Subsection (a-2)(2) the dates and places of arrests, offenses, and dispositions contained in the information, rather than the criminal history record information.

(d) Provides that the lottery commission is not prohibited from disclosing criminal history record information obtained under Subsection (a-2)(2) in a criminal proceeding or in a hearing conducted by SOAH.

(e) Requires the lottery commission to destroy criminal history record information that is obtained under Section 411.108 (Access to Criminal History Record Information: Texas Lottery Commission) after the information is used for its authorized purpose.

SECTION 25. Amends Section 411.109, Government Code, by amending Subsections (a), (b), and (d) and adding Subsections (c), (f), and (g), as follows:

(a) Provides that the Comptroller of Public Accounts of the State of Texas (comptroller) is entitled to obtain, rather than obtain from DPS, criminal history record information as provided by Subsection (c), rather than information maintained by DPS, that the comptroller believes is necessary for the enforcement or administration of certain statutes, including criminal history record information that relates to a person who meets certain criteria.

(b) Provides that the comptroller is entitled to obtain criminal history record information as provided by Subsection (c) that relates to a person who is an employee, intern, learner, trainee, contractor, subcontractor, apprentice, or volunteer of, or who is an applicant for employment or service in one of those capacities with, the comptroller's office in a position that involves:

(1)-(2) makes no changes to these subdivisions;

(3)-(4) makes nonsubstantive change to these subdivisions;

(5) performing work on a computer system; or

(6) having remote access to comptroller computer systems, information technology, or information technology resources.

Makes conforming changes.

(c) Provides that the comptroller, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a) or (b); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a) or (b).

(d) Prohibits the comptroller from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (c)(1). Prohibits criminal history record information obtained by the comptroller under Subsection (c)(2), rather than Subsections (a), (b), and (c), from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (e) or (f).

(f) Provides that the comptroller is not prohibited from disclosing criminal history record information obtained under Subsection (c)(2) in a criminal proceeding or in a hearing conducted by the comptroller.

(g) Requires the comptroller to destroy criminal history record information that is obtained under Section 411.109 (Access to Criminal History Record Information: Comptroller) after the information is used for its authorized purpose.

SECTION 26. Amends Section 411.110, Government Code, by amending Subsections (a), (b), (c), and (e) and adding Subsection (a-1), as follows:

(a) Provides that the Department of State Health Services (DSHS) and the Health and Human Services Commission (HHSC) are entitled to obtain, rather than obtain from DPS, criminal history record information as provided by Subsection (a-1), rather than information maintained by DPS, that relates to a person required to be fingerprinted who is:

(1) makes a nonsubstantive change to this subdivision;

(2) an applicant for a license or a license holder under certain subchapters of Chapter 431 (Texas Food, Drug, and Cosmetic Act), Health and Safety Code;

(3) makes no changes to this subdivision;

(4)-(5) makes nonsubstantive changes to these subdivisions; or

(6) an applicant for a license or a license holder under Subchapter C (Consumable Hemp Product Manufacturer License), Chapter 443, Health and Safety Code.

(a-1) Provides that DSHS and HHSC, subject to Section 411.087 and consistent with the public policy of this state, are entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Prohibits DSHS or HHSC, as applicable, from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Prohibits criminal history record information obtained by DSHS or HHSC under Subsection (a-1)(2), rather than Subsection (a), from being released or disclosed to any person except:

(1)-(2) creates these subdivisions from existing text and makes nonsubstantive changes;

(3) between the DSHS and HHSC to share with the other agency information obtained under Section 411.110 (Access to Criminal History Record Information: Department of State Health Services and the Health and Human Services Commission) for the purposes authorized by this section; or

(4) creates this subdivision from existing text and makes a nonsubstantive change.

(c) Requires DSHS or HHSC, rather than requires DSHS or HHSC after an entity is licensed or certified, as applicable, to destroy the criminal history record information that is obtained under this section after the information is used for its authorized purpose, rather than relates to that entity. Deletes existing text requiring DSHS or HHSC, as applicable, to destroy the criminal history record information that relates to an applicant for employment after that applicant is employed or, for an applicant who is not employed, after the check of the criminal history record information on that applicant is completed or an employee or contractor after the check of the criminal history record information on that employee or contractor is completed.

(e) Provides that DSHS or HHSC, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2), Rather than Subsection (a), in a criminal proceeding or in a hearing conducted by DSHS or HHSC, as applicable.

SECTION 28. Amends Section 411.1105, Government Code, as follows:

Sec. 411.1105. New heading: ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) Provides that HHSC, rather than DSHS and HHSC, is entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to a person required to be fingerprinted who meets certain criteria. Makes conforming changes.

(a-1) Provides that HHSC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Provides that HHSC, in addition to information obtained from the FBI under Subsection (a-1)(1) and Section 411.087, is entitled to obtain information relating to the wanted persons status of an individual listed in Subsection (a). Makes conforming changes.

(c) Prohibits HHSC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1) or (b). Prohibits criminal history record information obtained by HHSC under Subsection (a-1)(2), rather than Subsection (a), from being released or disclosed to any person except under certain circumstances. Makes conforming and nonsubstantive changes.

(d) Authorizes HHSC to provide the applicant or licensee with a copy of the person's criminal history record information obtained from DPS, rather than DPS or the FBI identification division, or another law enforcement agency under Subsection (a-1)(2). Makes conforming changes.

(e) Provides that this section does not prohibit HHSC from obtaining and using criminal history record information as provided by other law.

(f) Requires HHSC to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 29. Amends Section 411.1106, Government Code, by amending Subsections (b), (c), (d), and (e) and adding Subsections (b-1) and (f), as follows:

(b) Provides that the executive commissioner of HHSC (executive commissioner), or the executive commissioner's designee, is entitled to obtain, rather than obtain from DPS, criminal history record information as provided by Subsection (f), rather than information maintained by DPS, that relates to a person required to be fingerprinted who is:

(1) an applicant, rather than an applicant for employment, for a position in which the person, as an employee, contractor, or volunteer, would have access to sensitive personal or financial information, as determined by the executive commissioner, in:

(A) the eligibility services division of the commission as established under Section 531.008 (Divisions of Commission);

(B) HHSC's office of inspector general as established by Section 531.008 and Subchapter C (Medicaid and Other Health and Human Services Fraud, Abuse, or Overcharges), Chapter 531; or

(C) the regulatory services division of HHSC as established under Section 531.008; or

(2) an employee of or a contractor or volunteer for HHSC who has access to sensitive personal or financial information, as determined by the executive commissioner.

(b-1) Provides that HHSC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (b).

(c) Prohibits HHSC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b-1)(1). Prohibits criminal history record information obtained by the executive commissioner, or by the executive commissioner's designee, under Subsection (b-1)(2), rather than Subsection (b), from being released or disclosed, except under certain circumstances.

(d) Makes a conforming change to this subsection.

(e) Requires the executive commissioner to destroy all criminal history record information obtained under Section 411.1106 (Access to Criminal History Record Information: Health and Human Services Commission), rather than under Subsection (b), as soon as practicable after the information is used for its authorized purpose.

(f) Provides that this section does not prohibit HHSC from obtaining and using criminal history record information as provided by other law.

SECTION 30. Amends Section 411.1131, Government Code, as follows:

Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) Makes conforming changes to this subsection.

(a-1) Provides that HHSC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a) (relating to a person required to be fingerprinted who is an applicant for a staff position at an outdoor training program for children who are deaf or hard of hearing conducted by a private entity through a contract with HHSC).

(b) Authorizes criminal history record information obtained by HHSC under Subsection (a-1), rather than (a), to be used only to evaluate an applicant for a staff position at an outdoor training program for children who are deaf or hard of hearing. Authorizes HHSC to release or disclose the information obtained under Subsection (a-1)(2) to a private entity described by Subsection (a) for that purpose.

(c) Prohibits HHSC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Prohibits HHSC from releasing or disclosing information obtained under Subsection (a-1)(2), rather than Subsection (a), except as described by Subsection (b), on court order, or with the consent of the person who is the subject of the criminal history record information.

(d) Creates this subsection from existing text. Makes nonsubstantive and conforming changes.

(e) Provides that this section does not prohibit HHSC from obtaining and using criminal history record information as provided by other law.

SECTION 31. Amends Section 411.114(a), Government Code, by amending Subdivisions (2), (3), (4), (6), and (7) and adding Subdivision (4-a), as follows:

(2) Requires the Department of Family and Protective Services (DFPS) or HHSC, as applicable, to obtain, rather than obtain from DPS, criminal history record information as provided by Subdivision (4), rather than information maintained by DPS, that relates to a person who meets certain criteria. Makes a nonsubstantive change.

(3) Makes conforming and nonsubstantive changes to this subdivision.

(4) Provides that DFPS and HHSC, subject to Section 411.087 and consistent with the public policy of this state, are entitled to:

(A) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person required to be fingerprinted who is described by Subdivision (2) or (3) (relating to providing that DFPS and HHSC are entitled to obtain criminal history record information that relates to certain persons involving employment with DFPS or HHSC); and

(B) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subdivision (2) or (3).

(4-a) Requires law enforcement entities to expedite the furnishing of criminal history record information, rather than such information, obtained under Subdivision (4)(B) to DFPS workers or HHSC workers, as applicable, to ensure prompt criminal background checks for the safety of alleged victims and DFPS workers or HHSC workers, as applicable.

(6) Prohibits DFPS or HHSC, as applicable, from releasing or disclosing to any person criminal history record information obtained from the FBI under Subdivision (4)(A). Prohibits criminal history record information obtained by DFPS and HHSC under Subdivision (4)(B), rather than this subsection, from being released to any person except under certain circumstances.

(7) Makes a conforming change to this subdivision.

SECTION 32. Amends Section 411.1142, Government Code, by amending Subsections (a), (b), and (d) and adding Subsections (a-1) and (f), as follows:

(a) Provides that the Early Childhood Intervention program within HHSC, as established by Chapter 73 (Early Childhood Intervention Services), Human Resources Code, is entitled to obtain criminal history record information as provided by Subsection (a-1), rather than criminal history record information maintained by DPS, the FBI identification division, or another law enforcement agency, that relates to a person:

(1) who is an employee or an applicant for permanent, temporary, or consultative employment or for a volunteer position; and

(2) makes a nonsubstantive change to this subdivision.

(a-1) Provides that HHSC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person required to be fingerprinted who is described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Prohibits HHSC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Prohibits criminal history record information obtained by HHSC under Subsection (a-1)(2), rather than Subsection (a), from being released or disclosed to any person except under certain circumstances.

(d) Authorizes HHSC to provide the applicant, employee, professional consultant, or volunteer with a copy of the person's criminal history record information obtained from DPS or another law enforcement agency, rather than the FBI identification division, under Subsection (a-1)(2).

(f) Requires HHSC to destroy criminal history record information that is obtained under Section 411.1142 (Access to Criminal History Record: Early Childhood Intervention Program Within Health and Human Services Commission) after the information is used for its authorized purpose.

SECTION 33. Amends Section 411.1143, Government Code, by amending Subsections (a), (a-1), and (b) and adding Subsections (a-2), (c), and (d), as follows:

(a) Provides that HHSC, an agency operating part of the medical assistance program under Chapter 32 (Medical Assistance Program), Human Resources Code, or the office of

inspector general established under Chapter 531 (Health and Human Services Commission), Government Code, is entitled to obtain, rather than obtain from DPS, criminal history record information as provided by Subsection (a-2), rather than information maintained by DPS, that relates to a provider under the medical assistance program or a person applying to enroll as a provider under the medical assistance program.

(a-1) Criminal history record information HHSC, rather than an agency, or the office of inspector general is authorized to obtain under Subsection (a) includes criminal history record information relating to certain persons.

(a-2) Provides that HHSC and the office of inspector general, subject to Section 411.087 and consistent with the public policy of this state, are entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person required to be fingerprinted who is described by Subsection (a) or (a-1); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a) or (a-1).

(b) Prohibits HHSC or the office of inspector general from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-2)(1). Prohibits criminal history record information obtained by HHSC or the office of inspector general [commission or an agency] under Subsection (a-2)(2), rather than Subsection (a), from being released or disclosed to any person except in a criminal proceeding, in an administrative proceeding, on court order, or with the consent of the provider or applicant.

(c) Provides that Section 411.1143 (Access to Criminal History Record Information: Agencies Operating Part of Medical Assistance Program) does not prohibit HHSC or the office of inspector general from obtaining and using criminal history record information as provided by other law.

(d) Requires HHSC and the office of inspector general to destroy criminal history record information obtained under this section after the information is used for its authorized purpose.

SECTION 34. Amends Section 411.1144, Government Code, as follows:

Sec. 411.1144. New heading: ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND EMPLOYEES, CONTRACTORS, OR VOLUNTEERS AT STATE SUPPORTED LIVING CENTERS. (a) Provides that HHSC is entitled to obtain criminal history record information as provided by Subsection (d) that relates to a person required to be fingerprinted:

(1) who is:

(A) an applicant for employment with HHSC, rather than the agency; or

(B)-(F) makes conforming changes to these paragraphs;

(2) who would be placed in direct contact with a resident or client of a state supported living center, as defined by Section 555.001 (Definitions), Health and Safety Code.

Deletes existing text providing that DSHS and HHSC are entitled to obtain from DPS criminal history record information maintained by DPS that relates to certain persons.

(b) Prohibits HHSC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (d)(1). Prohibits criminal history record information obtained by HHSC under Subsection (d)(2), rather than Subsection (a), from being released or disclosed to any person except under certain circumstances. Makes a conforming change.

(c) Provides that HHSC is prohibited from releasing criminal history record information obtained under Subsection (d)(1) to the person who is the subject of the criminal history record information. Provides that HHSC is not prohibited from releasing criminal history record information obtained under Subsection (d)(2), rather than Subsections (a) or (d), to the person who is the subject of the criminal history record information. Makes a conforming change.

(d) Provides that HHSC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

Makes conforming changes.

(e) Provides that this section does not prohibit HHSC from obtaining and using criminal history record information as provided by other law. Makes a conforming change.

(f) Requires HHSC to destroy criminal history record information obtained under this section after the information is used for its authorized purpose.

SECTION 35. Amends Section 411.115, Government Code, by amending Subsections (b), (d), and (e) and adding Subsections (c) and (f) as follows:

(b) Provides that DSHS, HHSC, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, is entitled to obtain, rather than obtain from DPS, criminal history record information as provided by Subsection (c), rather than information maintained by DPS, that relates to a person who meets certain criteria. Makes a nonsubstantive change.

(c) Provides that DSHS, HHSC, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person required to be fingerprinted who is described Subsection (b); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (b).

(d) Prohibits DSHS, HHSC, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (c)(1).

(e) Requires DSHS, HHSC, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, to destroy, rather than collect

and destroy, criminal history information obtained under this section after the information is used for its authorized purpose. Deletes existing text requiring that the information be destroyed immediately after making an employment decision or taking a personnel action relating to the person who is the subject of the criminal history record information.

(f) Provides that this section does not prohibit DSHS, HHSC, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, from obtaining and using criminal history record information as provided by other law.

SECTION 36. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.1161, as follows:

Sec. 411.1161. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND NURSE AIDE CERTIFICATION, MEDICATION AIDE PERMIT, AND NURSING FACILITY ADMINISTRATOR LICENSE. (a) Provides that HHSC is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person required to be fingerprinted who is an initial or renewal applicant for certain nursing positions.

(b) Provides that HHSC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits HHSC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by HHSC under Subsection (b)(2) from being released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information;

(3) or purposes of an administrative hearing held by HHSC concerning the person who is the subject of the criminal history record information; or

(4) as provided by Subsection (d).

(d) Provides that HHSC is not prohibited from releasing criminal history record information obtained under Subsection (b)(2) to the person who is the subject of the criminal history record information.

(e) Provides that this section does not prohibit HHSC from obtaining and using criminal history record information as provided by other law.

(f) Requires HHSC to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 37. Reenacts Section 411.122(d), Government Code, as amended by Chapters 684 (S.B. 2200), 768 (H.B. 1501), and 1232 (H.B. 1523), Acts of the 86th Legislature, Regular Session, 2019, and amends it, as follows:

(d) Provides that the certain state agencies are subject to Section 411.122 (Access to Criminal History Record Information: Licensing or Regulatory Agency), including the Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE), rather than the Texas Board of Occupational Therapy Examiners. Deletes existing text providing that the Texas Board of Physical Therapy Examiners is subject to this section. Makes nonsubstantive changes.

SECTION 38. Amends Section 411.125, Government Code, as follows:

Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF NURSING. (a) Provides that the Texas Board of Nursing (BON) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

- (1) is an applicant for vocational, registered, or advanced practice registered nurse licensure, or the holder of a license issued by the board;
- (2)-(3) makes nonsubstantive changes to these subdivisions; or
- (4) is accepted for enrollment in a nursing education program that prepares the person for licensure as a vocational, registered, or advanced practice registered nurse.

Makes conforming changes.

(b) Provides that BON, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

- (1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and
- (2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits BON from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by the BON under Subsection (b)(2) from being released or disclosed to any person except:

- (1) as required under a court order;
- (2) to a nursing board that is a member of the nurse licensure compact under Chapter 304 (Nurse License Compact), Occupations Code;
- (3) with the written consent of the person or entity that is the subject of the criminal history record information; or
- (4) as provided by Subsection (d).

(d) Provides that BON is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding, in a contested case proceeding conducted by SOAH, or as part of an appeal of a contested case proceeding.

(e) Requires that criminal history record information obtained by BON be destroyed by BON after a final determination is made and all appeals are concluded in the matter for which the information was obtained.

SECTION 39. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12501, as follows:

Sec. 411.12501. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION OF FEDERAL BUREAU OF INVESTIGATION: TEXAS ALCOHOLIC BEVERAGE COMMISSION. (a) Provides that the Texas Alcoholic Beverage Commission (TABC), subject to Section 411.087 and Public Law 92-544, is authorized to obtain and use criminal history record information maintained or indexed by the FBI that relates to a person who is an applicant for or holds a license, permit, or certificate under the Texas Alcoholic Beverage Code.

(b) Authorizes criminal history record information obtained by TABC under this section to only be released or disclosed as provided by Section 411.084(b).

(c) Provides that this section does not limit TABC's ability to obtain criminal history record information for criminal justice purposes or as authorized by other law.

(d) Authorizes TABC to require any person for whom TABC is authorized to obtain and use criminal history record information under Subsection (a) to submit a complete and legible set of fingerprints to TABC on a form prescribed by TABC for the purpose of obtaining criminal history record information.

SECTION 40. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12502, as follows:

Sec. 411.12502. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. (a) Provides that the Texas Behavioral Health Executive Council (TBHEC) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an applicant for certain licenses.

(b) Provides that TBHEC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TBHEC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TBHEC under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TBHEC is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by TBHEC or SOAH.

(e) Requires TBHEC to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 41. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12503, as follows:

Sec. 411.12503. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF CHIROPRACTIC EXAMINERS. (a) Provides that the Texas Board of Chiropractic Examiners (TBCE) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) a person who is an applicant for a license or registration under Chapter 201 (Chiropractors), Occupations Code; or

(2) the holder of a license or registration under Chapter 201, Occupations Code.

(b) Provides that TBCE, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TBCE from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TBCE under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TBCE is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted under the authority of TBCE.

(e) Requires TBCE to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 42. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12504, as follows:

Sec. 411.12504. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD OF DENTAL EXAMINERS. (a) Provides that the Texas State Board of Dental Examiners (TSBDE) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to certain persons.

(b) Provides that TSBDE, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TSBDE from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TSBDE under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TSBDE is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by TSBDE or SOAH.

(e) Requires TSBDE to destroy criminal history record information obtained under this section after a final determination is made in the matter for which the information was obtained.

SECTION 43. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12505, as follows:

Sec. 411.12505. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: QUALIFIED SCHOOL CONTRACTORS. (a) Defines "qualified school contractor."

(b) Provides that a qualified school contractor, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a)(2); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a)(2).

(c) Prohibits a qualified school contractor from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Provides that criminal history record information obtained by a qualified school contractor under Subsection (b)(2) in the original form or any subsequent form:

(1) from being released to any person except:

(A) to the individual who is the subject of the information;

(B) by court order; or

(C) with the consent of the person who is the subject of the criminal history record information; and

(2) is not subject to disclosure as provided by Chapter 552 (Public Information).

(d) Authorizes a qualified school contractor to provide a fitness determination based on criminal history record information obtained under this section to a school district, charter school, or shared services arrangement.

(e) Requires a qualified school contractor to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

(f) Authorizes DPS in coordination with the commissioner of education to adopt rules necessary to implement this section.

SECTION 44. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12506, as follows:

Sec. 411.12506. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. (a) Provides that the

Texas Commission on Environmental Quality (TCEQ) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

- (1) is an applicant for a license, permit, or registration under certain statutes;
- (2) is the holder of a license, permit, or registration under a provision listed in Subdivision (1); or
- (3) requests a determination of eligibility for a license, permit, or registration from the agency under a provision listed in Subdivision (1).

(b) Provides that TCEQ, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

- (1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and
- (2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TCEQ from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TCEQ under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TCEQ is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in an administrative proceeding conducted by TCEQ or SOAH.

(e) Requires TCEQ to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 45. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12507, as follows:

Sec. 411.12507. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS FUNERAL SERVICE COMMISSION. (a) Provides that the Texas Funeral Service Commission (TFSC) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to certain persons.

(b) Provides that TFSC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

- (1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and
- (2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TFSC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TFSC under Subsection (b)(2) from being released or disclosed to any person except on court order, with the

written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TFSC is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by TFSC.

(e) Prohibits TFSC from considering offenses described by Section 542.304 (Moving Violations for Certain Purposes), Transportation Code, to determine whether to hire or retain an employee or to contract with a person on whom criminal history record information is obtained under this section.

(f) Requires TFSC to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 46. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12508, as follows:

Sec. 411.12508. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: MANUFACTURED HOUSING DIVISION. (a) Provides that the manufactured housing division of the Texas Department of Housing and Community Affairs (manufactured housing division) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to certain persons.

(b) Provides that the manufactured housing division, subject to Section 411.087 of this code and Chapter 1201 (Manufactured Housing), Occupations Code, and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits the manufactured housing division from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by the manufactured housing division under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that the manufactured housing division is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the manufactured housing division. Authorizes certified public documents that contain criminal history record information described by Subsection (b)(2) but that the division does not obtain under that subdivision to be used in a criminal or civil proceeding or in a hearing conducted by the manufactured housing division.

(e) Requires the manufactured housing division to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 47. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12509, as follows:

Sec. 411.12509. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE FIRE MARSHAL. (a) Provides that the state fire marshal is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an applicant for a license or other authorization issued by the state fire marshal to engage in an activity regulated under the Insurance Code or the Occupations Code.

(b) Provides that the state fire marshal, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits the state fire marshal from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by the state fire marshal under Subsection (b)(2) from being disclosed or released to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that the state fire marshal is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the state fire marshal.

(e) Requires the state fire marshal to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 48. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12510, as follows:

Sec. 411.12510. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS MEDICAL BOARD. (a) Provides that the Texas Medical Board (TMB) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to certain persons.

(b) Provides that TMB, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TMB from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TMB under Subsection (b)(2) from being released or disclosed to any person, except as provided by Subsection (d).

(d) Provides that TMB is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a hearing conducted by TMB or its advisory boards.

(e) Requires TMB to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 49. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12511, as follows:

Sec. 411.12511. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF MOTOR VEHICLES. (a) The Texas Department of Motor Vehicles (TxDMV) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to certain persons.

(b) Provides that TxDMV, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TxDMV from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TxDMV under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TxDMV is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing in which TxDMV is a party.

(e) Requires TxDMV to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 50. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12512, as follows:

Sec. 411.12512. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS OPTOMETRY BOARD. (a) Provides that the Texas Optometry Board (TOB) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to certain persons.

(b) Provides that TOB, subject to Section 411.087 of this code and Sections 351.2525 (Criminal History Record Information for License Issuance) and 351.3045 (Criminal History Record Information for License Renewal), Occupations Code, and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TOB from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TOB under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TOB is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by TOB.

(e) Requires TOB to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 51. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12513, as follows:

Sec. 411.12513. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS. (a) The Executive Council of Physical Therapy and Occupational Therapy Examiners (ECPTOTE) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to certain persons.

(b) Provides that ECPTOTE, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits ECPTOTE from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by ECPTOTE under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that ECPTOTE is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by ECPTOTE.

(e) Requires ECPTOTE destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 52. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12514, as follows:

Sec. 411.12514. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PLUMBING EXAMINERS. (a) Provides that the Texas State Board of Plumbing Examiners (TSBPE) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to an applicant for a license, registration, endorsement, or certificate under Chapter 1301 (Plumbers), Occupations Code, including master plumber, journeyman plumber, plumbing inspector, tradesman-plumber limited, plumber's apprentice, medical gas piping installation endorsement,

multipurpose residential fire protection sprinkler specialist endorsement, and water supply protection specialist endorsement.

(b) Provides that TSBPE, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TSBPE from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TSBPE under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person or entity that is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TSBPE is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by TSBPE.

(e) Requires TSBPE to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 53. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12515, as follows:

Sec. 411.12515. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS REAL ESTATE COMMISSION AND TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD. (a) Defines "board" and "commission."

(b) Provides that the Texas Real Estate Commission (TREC) is entitled to obtain criminal history record information as provided by Subsection (d) that relates to certain persons.

(c) Provides that the Texas Appraiser Licensing and Certification Board (TALCB) is entitled to obtain criminal history record information as provided by Subsection (d) that relates to certain persons.

(d) Provides that TREC and TALCB, subject to certain statute, and consistent with the public policy of this state, are entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b) or (c); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (b) or (c).

(e) Prohibits TREC or TALCB, as applicable, from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (d)(1). Provides that neither TREC nor TALCB is prohibited from disclosing criminal history record information obtained under Subsection (d)(2) in a criminal proceeding or in a hearing conducted by the SOAH.

(f) Requires TREC or TALCB to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 54. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12516, as follows:

Sec. 411.12516. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. (a) Provides that the Texas Board of Professional Engineers and Land Surveyors (TBPELS) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to an applicant for or holder of a license under Chapters 1001 (Texas Board of Professional Engineers and Land Surveyors) and 1071 (Land Surveyors), Occupations Code.

(b) Provides that TBPELS, subject to Section 411.087 of this code and Section 1001.272 (Criminal History Record Information Requirement for License Issuance), Occupations Code, and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TBPELS from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TBPELS under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TBPELS is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by TBPELS.

(e) Requires TBPELS to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 55. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.12517 as follows:

Sec. 411.12517. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PHARMACY. (a) Provides that the Texas State Board of Pharmacy (TSBP) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to certain persons.

(b) Provides that TSBP, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TSBP from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TSBP under Subsection (b)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) Provides that TSBP is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by TSBP or SOAH.

(e) Requires TSBP to destroy criminal history record information obtained under this section after a final determination is made in the matter for which the information was obtained.

SECTION 56. Amends the heading to Section 411.1296, Government Code, to read as follows:

Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT, APPOINTMENT TO APPRAISAL REVIEW BOARD FOR APPRAISAL DISTRICT, AND APPLICANT TO TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD.

SECTION 57. Amends Section 411.1296, Government Code, by amending Subsections (a) and (c) and adding Subsections (a-1), (d), (e), and (f), as follows:

(a) Provides that an appraisal district established by Section 6.01 (Appraisal District Established), Tax Code, and TALCB, except as provided by Subsection (b), are entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to a person who is an applicant for employment by the appraisal district, appointment to the appraisal review board (ARB) for the appraisal district, or a license or certification as an appraiser trainee, licensed residential appraiser, certified residential appraiser, certified general appraiser, or an appraisal management company regulated by TALCB. Makes conforming and nonsubstantive changes.

(a-1) Provides that an appraisal district and TALCB, subject to Section 411.087 and consistent with the public policy of this state, are entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Authorizes the appraisal district to provide criminal history record information obtained under Subsection (a-1)(2), rather than under this section, to the local administrative district judge or to the ARB commissioners appointed by the local administrative district judge.

(d) Prohibits an appraisal district or TALCB, as applicable, from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Prohibits criminal history record information obtained by an appraisal district or TALCB under Subsection (a-1)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (c).

(e) Provides that an appraisal district or TALCB is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by an appraisal district or TALCB.

(f) Requires an appraisal district or TALCB to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 58. Amends Section 411.1386, Government Code, by amending Subsections (a), (a-6), (b), (c), (g), and (h) and adding Subsections (a-7), (c-1), and (j), as follows:

(a) Requires the clerk of the county having venue over a proceeding for the appointment of a guardian under Title 3, Estates Code, except as provided by Subsections (a-1) (relating to requiring HHSC to obtain from DPS criminal history record information maintained by DPS that relates to each individual who is or will be providing guardianship services to a ward of or referred by HHSC) and (a-6), rather than Subsection (a-5) (relating to authorizing a person to submit to the clerk a copy of the person's criminal history record information that the person obtains from DPS not earlier than the 30th day before the date of the hearing), to obtain criminal history record information as provided by Subsection (a-7) that relates to certain persons. Makes conforming changes.

(a-6) Provides that the clerk described by Subsection (a) is not required to obtain criminal history record information from DPS for a person if the JBCC conducted a criminal history check on the person under Sections 155.203 (Duty to Provide Assistance in Qualifying Guardians; Supreme Court Rulemaking) and 155.207 (Use of Criminal History Record Information), rather than under Chapter 155 (Duties Respecting Guardianship). Requires HHSC to provide to the clerk, rather than to provide to the clerk at the court's request, the criminal history record information that was obtained from DPS, rather than from DPS or the FBI. Requires the clerk, in accordance with Subsection (a-7)(1), to obtain criminal history record information from the FBI identification division relating to any person described by Subsection (a) regardless of whether the JBCC obtains criminal history record information relating to that person.

(a-7) Provides that the clerk described by Subsection (a), subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Provides that criminal history record information obtained by or provided to a clerk under Section 411.1386 (Access to Criminal History Record Information: Court Clerk; Health and Human Services Commission; Guardianships), rather than under Subsection (a), (a-5), or (a-6), is for the exclusive use of the court and is privileged and confidential.

(c) Prohibits a clerk from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-7)(1). Prohibits criminal history record information obtained by or provided to a clerk under Subsection (a-7)(2) or (a-6), rather than Subsection (a-5), from being released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) Requires, rather than authorizes, the clerk to destroy the criminal history record information after the information is used for the purposes authorized by this section.

(g) Provides that a person commits an offense if the person releases or discloses any information received under this section without the authorization prescribed by Subsection (c), rather than Subsections (c) or (d) (relating to providing that the criminal history record information is for the exclusive use of the court or guardianship certification program of JBCC, as appropriate, and is privileged and confidential).

(h) Authorizes the county clerk to charge a \$10 fee to recover the costs of obtaining criminal history record information authorized by Subsection (a-7), rather than the criminal history information records authorized by Subsection (a).

(j) Provides that a clerk is liable to those damaged if damage or loss results to a guardianship or ward because of the neglect or failure of the clerk to obtain criminal history record information as required by Subsection (a).

SECTION 59. Amends Section 411.13861, Government Code, by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (c-1), as follows:

(a) Provides that HHSC is entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to certain person. Makes conforming and nonsubstantive changes.

(a-1) Provides that HHSC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person required to be fingerprinted who is described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(b) Provides that criminal history record information obtained under Subsection (a-1), rather than Subsection (a), is for the exclusive use of HHSC and is privileged and confidential.

(c) Prohibits HHSC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a-1)(1). Prohibits criminal history record information obtained by HHSC under Subsection (a-1)(2), rather than under Subsection (a), from being released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) Requires, rather than authorizes, HHSC to destroy the criminal history record information after the information is used for the purposes authorized by Section 411.13861 (Access to Criminal History Record Information: Health and Human Services Commission).

SECTION 60. Amends Section 411.1405, Government Code, by amending Subsections (b), (c), and (d) and adding Subsections (b-1) and (g), as follows:

(b) Provides that a state agency, to the extent consistent with Subsection (e), is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to certain persons.

(b-1) Provides that a state agency, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (b).

(c) Prohibits a state agency from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b-1)(1). Prohibits a state agency that obtains criminal history record information under Section 411.1405 (Access to Criminal History Record Information: State Agencies; Information Technology Employees) from releasing or disclosing the information obtained under Subsection (b-1)(2) or any documents or other records derived from the information except:

(1)-(2) makes no changes to these subdivisions; or

(3) to the affected contractor or subcontractor, rather than to the affected contractor or subcontractor unless the information was obtained by DPS from the FBI.

(d) Requires a state agency and the affected contractor or subcontractor to destroy criminal history record information obtained under this section after the information is used for the purposes authorized by this section, rather than the information obtained under this section that relates to a person after the information is used to make an employment decision or to take a personnel action relating to the person who is the subject of the information.

(g) Provides that a state agency is not prohibited from disclosing criminal history record information obtained under Subsection (b-1)(2) in a criminal proceeding.

SECTION 61. Amends Section 411.1408, Government Code, by amending Subsections (b) and (c) and adding Subsections (b-1) and (d), as follows:

(b) Provides that JBCC is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to a person who is an applicant for or the holder of a certificate, registration, or license issued by the commission or otherwise under Subtitle L (Court Professions Regulation), Title 2.

(b-1) Provides that JBCC, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (b).

(c) Prohibits JBCC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b-1)(1). Provides that criminal history record information obtained by JBCC under Subsection (b-1)(2), rather than Subsection (b), is required to meet certain criteria.

Deletes existing text providing that criminal history record information obtained by JBCC under Subsection (b-1)(2) is prohibited from being released or disclosed to any person except with the consent of the person who is the subject of the information and is required to be destroyed by JBCC after the information is used for the authorized purposes.

(d) Requires JBCC to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 62. Amends Section 411.1409, Government Code, by amending Subsections (b), (c), (d), and (e) and adding Subsection (b-1), as follows:

(b) Provides that an appellate court is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to a person who is an applicant for certain positions.

(b-1) Provides that the court, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (b).

(c) Authorizes criminal history record information obtained by the court under Section 411.1409 (Access to Criminal History Information: Appellate Courts), rather than under Subsection (b), to be used only to evaluate an applicant.

(d) Prohibits the court from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b-1)(1). Prohibits the court from releasing or disclosing information obtained under Subsection (b-1)(2), rather than Subsection (b), except on order of a district court, rather than with the consent of the person who is the subject of the criminal history record information.

(e) Requires the court to destroy all criminal history record information obtained under this section after the information is used for its authorized purpose. Deletes existing text requiring the court, after the expiration of any probationary term of the person's employment, volunteer status, or appointment, to destroy all criminal history record information obtained under Subsection (b).

SECTION 63. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.14101, as follows:

Sec. 411.14101. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) Defines "office."

(b) Provides that SOAH is entitled to obtain criminal history record information as provided by Subsection (c) that relates to a person who is:

(1) an employee of, or an applicant for employment with, SOAH; or

(2) a contractor, subcontractor, volunteer, or intern of SOAH, or an applicant to serve in one of those capacities.

(c) Provides that SOAH, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (b).

(d) Prohibits SOAH from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (c)(1). Prohibits

criminal history record information obtained by SOAH under Subsection (c)(2) from being released or disclosed to any person except by court order or with the written consent of the person who is the subject of the criminal history record information.

(e) Requires SOAH to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 64. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.14102, as follows:

Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) Provides that the Texas Board of Architectural Examiners (TBAE) is entitled to obtain criminal history record information as provided by Subsection (b) that relates to certain persons.

(b) Provides that TBAE, subject to Section 411.087 of this code and Section 1051.3041 (Criminal History Record Information Requirement for Registration), Occupations Code, and consistent with the public policy of this state, is entitled to:

(1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (a).

(c) Prohibits TBAE from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (b)(1). Prohibits criminal history record information obtained by TBAE under Subsection (b)(2) from being released or disclosed to any person except on court order or as provided by Subsection (d).

(d) Provides that TBAE is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by TBAE or SOAH, as applicable.

(e) Requires TBAE to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 65. Amends Section 301.2511, Occupations Code, by amending Subsections (a) and (c) and adding Subsections (d) and (e), as follows:

(a) Requires an applicant for a vocational, registered, or advance practice registered nurse license to submit to BON, in addition to satisfying the other requirements of Subchapter F (License Requirements), a complete and legible set of fingerprints, on a form prescribed by BON, for the purpose of obtaining criminal history record information from DPS and the FBI.

(c) Requires BON by rule to develop a system for obtaining criminal history record information for a person accepted for enrollment in a nursing educational program that prepares the person for licensure as a vocational, registered, or advanced practice registered nurse, rather than for licensure as a registered or vocational nurse, by requiring the person to submit to BON a set of fingerprints that meets the requirements of Subsection (a).

(d) Prohibits BON from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a).

(e) Requires BON to destroy criminal history record information that is obtained under Section 301.2511 (Criminal History Record Information for License Applicants) after the information is used for its authorized purpose.

SECTION 66. Amends Section 1101.002, Occupations Code, by adding Subdivision (3-a) to define "easement or right-of-way agent."

SECTION 67. Amends Section 1101.3521, Occupations Code, by adding Subsections (e) and (f), as follows:

(e) Prohibits TREC from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (a) (relating to requiring TREC to require that an applicant for a license or renewal of an unexpired license submit a complete and legible set of fingerprints for the purpose of obtaining criminal history record information from DPS and the FBI).

(f) Requires TREC to destroy criminal history record information that is obtained under Section 1101.3521 (Criminal History Record Information Requirement for License) after the information is used for its authorized purpose.

SECTION 68. Amends Section 1101.501, Occupations Code, as follows:

Sec. 1101.501. CERTIFICATE REQUIRED. Prohibits a person from acting as an easement or right-of-way agent unless the person meets certain criteria. Deletes existing text prohibiting a person from selling, buying, leasing, or transferring an easement or right-of-way for another, for compensation or with the expectation of receiving compensation, for use in connection with telecommunication, utility, railroad, or pipeline service unless the person meets certain criteria.

SECTION 69. Amends Section 1101.5041, Occupations Code, as follows:

Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR CERTIFICATE. Requires an applicant for an original certificate of registration as an easement or right-of-way agent or renewal of a certificate of registration as an easement or right-of-way agent to comply with the criminal history record check requirements of Section 1101.3521 (Criminal History Record Information Requirement for License).

SECTION 70. Amends Section 1201.1031, Occupations Code, by adding Subsections (f), (g), (h), (i), and (j), as follows:

(f) Provides that the manufactured housing division is entitled to obtain criminal history record information as provided by Subsection (g) that relates to:

- (1) an applicant for or holder of a license under this chapter; or
- (2) an owner, officer, or related person or manager of a person described by Subdivision (1).

(g) Provides that the manufactured housing division, subject to Section 411.087 and consistent with the public policy of this state, is entitled to:

- (1) obtain through the FBI criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (f); and
- (2) obtain from DPS or any other criminal justice agency in this state criminal history record information maintained by DPS or that criminal justice agency that relates to a person described by Subsection (f).

(h) Prohibits the manufactured housing division from releasing or disclosing to any person criminal history record information obtained from the FBI under Subsection (g)(1). Prohibits criminal history record information obtained by the manufactured housing division under Subsection (g)(2) from being released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (i).

(i) Provides that the manufactured housing division is not prohibited from disclosing criminal history record information obtained under Subsection (g)(2) in a criminal proceeding or in a hearing conducted by the manufactured housing division.

(j) Requires the manufactured housing division to destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 71. Amends Section 2025.251, Occupations Code, as follows:

Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED. (a) Prohibits a person, other than as a spectator or as a person placing a wager, except as provided by this section, from participating in, rather than racing with, pari-mutuel racing activities or wagering without first obtaining a license from TRC.

(b) Requires TRC to determine the occupations that afford an opportunity to influence racing with pari-mutuel wagering, including individuals who

(1) work in an occupation as an employee, contractor, or volunteer to afford the individual an opportunity to influence racing with pari-mutuel wagering; or

(2) will likely have significant access to the backside of a racetrack or to restricted areas of the frontside of a racetrack.

Deletes existing text requiring TRC by rule to categorize the occupations of racetrack employees and determine the occupations that afford the employee an opportunity to influence racing with pari-mutuel wagering. Deletes existing text requiring that the rules require an employee to be licensed under Subtitle A-1 (Texas Racing Act) if the employee works in an occupation determined by the commission to afford the employee an opportunity to influence racing with pari-mutuel wagering or will likely have significant access to the backside of a racetrack or to restricted areas of the frontside of a racetrack.

(c) Provides that the following individuals, notwithstanding Subsection (b), require a criminal history background check before an occupational license is issued: commissioners, regulatory employees and contractors hired by TRC, racetrack association employees, training facility employees, and employees of either a recognized horseman's organization or licensed racehorse owners.

SECTION 72. Repealers: Sections 22.0834(g) (relating to requiring an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services to obtain from any law enforcement or criminal justice agency or a private entity that is a consumer reporting agency governed by the Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.), all criminal history record information that relates to certain employees) and (i) (relating to requiring an entity to certify to a school district that it has received all criminal history record information required), Education Code.

Repealers: Sections 22.0834(k) (relating to providing that certain requirements apply to an entity that contracts directly with a school district, open-enrollment charter school, or shared services arrangement and any subcontractor of the entity) and (m) (relating to providing that a contracting entity complies certain requirements if the contracting entity

obtains a written statement from each subcontracting entity certifying that the subcontracting entity has obtained certain information), Education Code.

Repealer: Section 22.0834(n) (relating to requiring a subcontracting entity to certify to the school district, open-enrollment charter school, or shared services arrangement and the contracting entity that the subcontracting entity has obtained all criminal history record information), Education Code.

Repealer: Section 22.08341 (Criminal History Record Information Review by Certain Public Works Contractors), Education Code.

Repealers: Sections 1104.403 (Submission of Criminal History Record Information by Proposed Guardian) and 1104.407 (Duty to Provide Information on Request), Estates Code.

Repealers: Sections 1104.408 (Information for Exclusive Use of Court or Guardianship Certification Program of Judicial Branch Certification Commission) and 1104.410 (Use of Information by Guardianship Certification Program of Judicial Branch Certification Commission), Estates Code.

Repealer: Section 411.110(d) (relating to requiring DSHS or HHSC to destroy criminal history record information that relates to an applicant who is not certified or employed, as applicable), Government Code;

Repealer: Sections 411.1386(a-4) (relating to requiring HHSC to provide the information obtained to certain persons) and (a-5) (relating to authorizing a person to submit to the clerk a copy of the person's criminal history record information required not earlier than the 30th day before the date of the hearing), Government Code.

Repealers: Sections 411.1386(d) (relating to providing that the criminal history record information obtained is for the exclusive use of the court or guardianship certification program of JBCC, as appropriate, and is privileged and confidential) and (f) (relating to authorizing criminal history record information obtained by the guardianship certification program of JBCC to be used for any purpose related to the issuance, denial, renewal, suspension, or revocation of a certificate issued by JBCC), Government Code.

Repealer: Section 411.1386(i) (relating to providing that Section 411.1386 (Access to Criminal History Record Information: Court Clerk; Health and Human Services Commission; Guardianships) does not prohibit HHSC from obtaining and using criminal history record information as provided by other law), Government Code.

Repealer: Section 411.13861(f) (relating to requiring HHSC to destroy certain information after the information is used for certain purposes), Government Code.

SECTION 73. Effective date: upon passage or September 1, 2023.