

By: Thierry

H.B. No. 3872

A BILL TO BE ENTITLED

AN ACT

relating to hiring and employment requirements for persons in direct contact with children at certain facilities.

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

SECTION 1. Title 9, Health and Safety Code, is amended by adding Subtitle D to read as follows:

SUBTITLE D. CHILD SAFETY

CHAPTER 810. EMPLOYMENT REQUIREMENTS FOR CERTAIN FACILITIES TO PREVENT PHYSICAL OR SEXUAL ABUSE OF CHILDREN

Sec. 810.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Department" means the Texas Juvenile Justice Department.

(3) "Facility" means:

(A) a residential treatment facility or group home licensed or otherwise regulated by the commission;

(B) a juvenile detention facility regulated by the department; or

(C) a shelter operated by or under the authority of a county or municipality that provides temporary living accommodations for individuals who are homeless.

Sec. 810.002. APPLICABILITY. This chapter applies only to the following governmental entities:

1 (1) the commission;

2 (2) the department;

3 (3) a county; and

4 (4) a municipality.

5 Sec. 810.003. REQUIRED CRIMINAL HISTORY RECORD INFORMATION
6 REVIEW AND EMPLOYMENT VERIFICATION. (a) A governmental entity to
7 which this chapter applies shall ensure that each facility the
8 entity regulates or operates reviews state and federal criminal
9 history record information and conducts an employment verification
10 for each person:

11 (1) who is:

12 (A) an applicant for employment with the
13 facility;

14 (B) an employee of the facility;

15 (C) a volunteer with the facility;

16 (D) an applicant for a volunteer position with
17 the facility;

18 (E) an applicant for an independent contractor
19 position with the facility; or

20 (F) an independent contractor of the facility;
21 and

22 (2) who may be placed in direct contact with a child
23 receiving services at the facility.

24 (b) For purposes of Subsection (a)(2), a person may be
25 placed in direct contact with a child if the person's position might
26 potentially require the person to:

27 (1) provide care, supervision, or guidance to a child;

1 (2) exercise any form of control over a child; or

2 (3) have routine interactions with a child.

3 (c) In conducting an employment verification under
4 Subsection (a), the facility must at a minimum contact the previous
5 employers listed in the submitted application materials for each
6 applicant.

7 (d) Each facility shall obtain electronic updates from the
8 Department of Public Safety of arrests and convictions for each
9 person:

10 (1) described by Subsection (a)(1)(B), (C), or (F);

11 and

12 (2) who continues as an employee, volunteer, or
13 independent contractor or who otherwise continues to have direct
14 contact with a child at the facility.

15 Sec. 810.004. EFFECT OF CERTAIN CRIMINAL CONVICTIONS OR
16 CHILD ABUSE ALLEGATIONS. (a) A facility may not offer a person an
17 employment, volunteer, or independent contractor position and must
18 terminate the person's position if, based on a criminal history
19 record information review or an employment verification of that
20 person, the facility discovers the person:

21 (1) engaged in physical or sexual abuse of a child
22 constituting an offense under Section 21.02, 22.011, 22.021, or
23 25.02, Penal Code; or

24 (2) was terminated from a previous position based on
25 allegations of having engaged in conduct described by Subdivision
26 (1).

27 (b) A separation agreement for a facility employee,

1 volunteer, or independent contractor may not include a provision
2 that prohibits disclosure to a prospective employer of an
3 allegation of conduct constituting an offense under Section 21.02,
4 22.011, 22.021, or 25.02, Penal Code.

5 Sec. 810.005. TRAINING REQUIREMENTS. A facility must
6 provide training to each employee, volunteer, or independent
7 contractor who may be placed in direct contact with a child. The
8 training must include:

9 (1) recognition of the signs of physical and sexual
10 abuse and reporting requirements for suspected physical and sexual
11 abuse;

12 (2) the facility's policies related to reporting of
13 physical and sexual abuse; and

14 (3) methods for maintaining professional and
15 appropriate relationships with children.

16 SECTION 2. Section 810.004(b), Health and Safety Code, as
17 added by this Act, applies only to an agreement entered into on or
18 after the effective date of this Act.

19 SECTION 3. This Act takes effect September 1, 2023.