

By: Guillen

H.B. No. 4123

A BILL TO BE ENTITLED

1 AN ACT
2 relating to access to and use of certain criminal history record
3 information.

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

5 SECTION 1. Section 22.0834, Education Code, is amended by
6 amending Subsections (a), (a-1), (b), (c), (d), (e), (f), (h), (l),
7 (o), and (p) and adding Subsections (b-1), (d-1), (d-2), and (q) to
8 read as follows:

9 (a) Except as provided by Subsection (a-1), this subsection
10 applies to a person who is not an applicant for or holder of a
11 certificate under Subchapter B, Chapter 21, and who [~~on or after~~
12 ~~January 1, 2008,~~] is offered employment by an entity or a
13 subcontractor of an entity that contracts with a school district,
14 open-enrollment charter school, or shared services arrangement to
15 provide services, if:

16 (1) the employee or applicant has or will have
17 continuing duties related to the contracted services; and

18 (2) the employee or applicant has or will have direct
19 contact with students.

20 (a-1) This section does not apply to an employee or
21 applicant of a public works contractor if:

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

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

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

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

11 (B) the contracting entity adopts a policy
12 prohibiting employees, including subcontracting entity employees,
13 from interacting with students or entering areas used by students,
14 informs employees of the policy, and enforces the policy at the
15 public work area [~~a contracting entity, subcontracting entity, or~~
16 ~~other person subject to Section 22.08341~~].

17 (b) If the contracting entity is a qualified school
18 contractor, a [A] person to whom Subsection (a) applies must submit
19 to a national criminal history record information review by the
20 qualified school contractor [~~under this section~~] before being
21 employed or serving in a capacity described by that subsection.

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

1 (c) Before or immediately after employing or securing the
2 services of a person to whom Subsection (a) applies, the qualified
3 school contractor or [~~entity contracting with a~~] school district,
4 open-enrollment charter school, or shared services arrangement
5 shall send or ensure that the person sends to the department
6 information that is required by the department for obtaining
7 national criminal history record information, which may include
8 fingerprints and photographs. The department shall obtain the
9 person's national criminal history record information and report
10 the results through the criminal history clearinghouse as provided
11 by Section [411.0845](#), Government Code.

12 (d) A qualified school contractor or [~~An entity contracting~~
13 ~~with~~] a school district, open-enrollment charter school, or shared
14 services arrangement shall obtain all criminal history record
15 information that relates to a person to whom Subsection (a) applies
16 through the criminal history clearinghouse as provided by Section
17 [411.0845](#), Government Code. [~~The entity shall certify to the school~~
18 ~~district that the entity has received all criminal history record~~
19 ~~information relating to a person to whom Subsection (a) applies.~~]

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

25 (d-2) A qualified school contractor shall require that any
26 of its subcontracting entities that are not qualified school
27 contractors comply with Subsection (b-1) as it relates to an

1 employee to whom Subsection (a) applies.

2 (e) The requirements of Subsections (b), (d-1), (d-2), and
3 (g) do not apply to a qualified school contractor if a [A] school
4 district, open-enrollment charter school, or shared services
5 arrangement obtains [~~may obtain~~] the criminal history record
6 information of a person to whom this section applies through the
7 criminal history clearinghouse as provided by Section 411.0845,
8 Government Code.

9 (f) In the event of an emergency, a school district may
10 allow a person to whom Subsection (a) [~~or (g)~~] applies to enter
11 school district property if the person is accompanied by a district
12 employee. A school district may adopt rules regarding an emergency
13 situation under this subsection.

14 (h) A school district, open-enrollment charter school, [~~or~~]
15 shared services arrangement, or qualified school contractor may
16 obtain from any law enforcement or criminal justice agency all
17 criminal history record information that relates to a person to
18 whom this section [~~Subsection (g)~~] applies.

19 (l) [~~A contracting entity shall require that a~~
20 ~~subcontracting entity obtain all criminal history record~~
21 ~~information that relates to an employee to whom Subsection (a)~~
22 ~~applies.] If a contracting or subcontracting entity determines
23 that Subsection (a) does not apply to an employee, the contracting
24 or subcontracting entity shall make a reasonable effort to ensure
25 that the conditions or precautions that resulted in the
26 determination that Subsection (a) did not apply to the employee
27 continue to exist throughout the time that the contracted services~~

1 are provided.

2 (o) A school district, charter school, regional education
3 service center, commercial transportation company, education
4 shared services arrangement, or qualified school contractor,
5 contracting entity, or subcontracting entity may not permit an
6 employee to whom Subsection (a) applies to provide services at a
7 school if the employee has been convicted of a felony or misdemeanor
8 offense that would prevent a person from being employed under
9 Section 22.085(a).

10 (p) In this section:

11 (1) "Contracting entity" means an entity that
12 contracts directly with a school district, open-enrollment charter
13 school, or shared services arrangement to provide services to the
14 school district, open-enrollment charter school, or shared
15 services arrangement.

16 (2) "Public works contractor" means an entity that
17 contracts directly or subcontracts with an entity that contracts
18 with a school district, open-enrollment charter school, or shared
19 services arrangement to provide services to the school district,
20 open-enrollment charter school, or shared services arrangement.

21 (3) "Qualified school contractor" has the meaning
22 assigned by Section 411.12505, Government Code.

23 (4) "Subcontracting entity" means an entity that
24 contracts with another entity that is not a school district,
25 open-enrollment charter school, or shared services arrangement to
26 provide services to a school district, open-enrollment charter
27 school, or shared services arrangement.

1 (g) A qualified school contractor shall certify to the
2 school district, open-enrollment charter school, or shared
3 services arrangement that the entity has received all criminal
4 history record information relating to a person to whom Subsection
5 (a) applies.

6 SECTION 2. Section 22.0835(f), Education Code, is amended
7 to read as follows:

8 (f) A school district, open-enrollment charter school, or
9 shared services arrangement may obtain from the department or any
10 law enforcement or criminal justice agency all criminal history
11 record information that relates to a person to whom Subsection (e)
12 applies.

13 SECTION 3. Section 22.085(c), Education Code, is amended to
14 read as follows:

15 (c) A school district, open-enrollment charter school, or
16 shared services arrangement may not allow a person who is an
17 employee of or applicant for employment by a qualified school
18 contractor or an entity that contracts with the district, school,
19 or shared services arrangement to serve at the district or school or
20 for the shared services arrangement if the district, school, or
21 shared services arrangement obtains information described by
22 Subsection (a) through a criminal history record information review
23 concerning the employee or applicant. A school district,
24 open-enrollment charter school, or shared services arrangement
25 must ensure that an entity that the district, school, or shared
26 services arrangement contracts with for services has obtained all
27 criminal history record information as required by Section 22.0834

1 [~~or 22.08341~~].

2 SECTION 4. Section 1104.402(a), Estates Code, is amended to
3 read as follows:

4 (a) Except as provided by Section [~~1104.403~~], 1104.404[~~7~~]
5 or 1104.406(a), the clerk of the county having venue of the
6 proceeding for the appointment of a guardian shall obtain criminal
7 history record information that is maintained by the Department of
8 Public Safety or the Federal Bureau of Investigation identification
9 division relating to:

10 (1) a private professional guardian;

11 (2) each person who represents or plans to represent
12 the interests of a ward as a guardian on behalf of the private
13 professional guardian;

14 (3) each person employed by a private professional
15 guardian who will:

16 (A) have personal contact with a ward or proposed
17 ward;

18 (B) exercise control over and manage a ward's
19 estate; or

20 (C) perform any duties with respect to the
21 management of a ward's estate;

22 (4) each person employed by or volunteering or
23 contracting with a guardianship program to provide guardianship
24 services to a ward of the program on the program's behalf; or

25 (5) any other person proposed to serve as a guardian
26 under this title, including a proposed temporary guardian and a
27 proposed successor guardian, other than an attorney.

1 SECTION 5. Section 1104.404, Estates Code, is amended to
2 read as follows:

3 Sec. 1104.404. EXCEPTION FOR INFORMATION CONCERNING
4 CERTAIN PERSONS. (a) The clerk described by Section 1104.402 is
5 not required to obtain criminal history record information from the
6 Department of Public Safety for a person if the Judicial Branch
7 Certification Commission conducted a criminal history check on the
8 person under Sections 155.203 and 155.207 [Chapter 155], Government
9 Code. However, the clerk shall obtain criminal history record
10 information from the Federal Bureau of Investigation
11 identification division relating to each person described by
12 Section 1104.402 regardless of whether the Judicial Branch
13 Certification Commission obtained information on such a person.

14 (b) The commission [board] shall provide to the clerk [~~at~~
15 ~~the court's request~~] the criminal history record information that
16 was obtained from the Department of Public Safety [~~or the Federal~~
17 ~~Bureau of Investigation~~]. The commission is prohibited from
18 disseminating criminal history record information that was
19 obtained from the Federal Bureau of Investigation under Section
20 411.1408, Government Code, for purposes of determining whether an
21 applicant is ineligible for certification as a guardian.

22 SECTION 6. Section 1104.405(a), Estates Code, is amended to
23 read as follows:

24 (a) Criminal history record information obtained or
25 provided under Section 1104.402 [~~1104.403~~] or 1104.404 is
26 privileged and confidential and is for the exclusive use of the
27 court. The criminal history record information may not be released

1 or otherwise disclosed to any person or agency except on court order
2 [~~or consent of the person being investigated~~]. The court may use
3 the criminal history record information only to determine whether
4 to:

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

8 (2) appoint any other person proposed to serve as a
9 guardian under this title, including a proposed temporary guardian
10 or a proposed successor guardian, other than an attorney.

11 SECTION 7. Section 14.151(a), Finance Code, is amended to
12 read as follows:

13 (a) The commissioner or an assistant commissioner,
14 examiner, or other employee of the office shall obtain criminal
15 history record information maintained by the Department of Public
16 Safety, the Federal Bureau of Investigation Identification
17 Division, or another law enforcement agency relating to a person
18 described by Section 411.095(a) [~~411.095(a)(1)~~], Government Code.

19 SECTION 8. Section 152.203, Government Code, is amended to
20 read as follows:

21 Sec. 152.203. RULES ON INELIGIBILITY. The supreme court
22 shall by order adopt rules on an applicant's [~~applicants'~~]
23 ineligibility for certification, registration, or licensing under
24 this subtitle based on the applicant's [~~person's~~] criminal history
25 or other information that indicates the applicant [~~person~~] lacks
26 the honesty, trustworthiness, or integrity to hold the
27 certification, registration, or license. The commission shall, in

1 accordance with this section and rules adopted by order of the
2 United States Supreme Court, obtain criminal history record
3 information that is maintained by the Department of Public Safety
4 or the Federal Bureau of Investigation identification division on
5 each applicant for certification, registration, or licensing under
6 this subtitle to be used only for the determination of each
7 applicant's ineligibility under rules adopted by United States
8 Supreme Court order under this section. The commission may not use
9 criminal history record information obtained from the Federal
10 Bureau of Investigation identification division under this section
11 for any other purpose. The commission may not transfer criminal
12 history record information obtained from the Federal Bureau of
13 Investigation identification division under this section to any
14 other state agency, entity, or person. The commission shall
15 destroy criminal history record information immediately after each
16 determination of ineligibility is made.

17 SECTION 9. Section 155.205, Government Code, is amended to
18 read as follows:

19 Sec. 155.205. DUTY TO OBTAIN CRIMINAL HISTORY RECORD
20 INFORMATION. (a) In accordance with Subsection (c) and the rules
21 adopted by the supreme court under Section 155.203, the commission
22 shall obtain criminal history record information that is maintained
23 by the Department of Public Safety. The clerk shall obtain in
24 accordance with Subsection (b) criminal history record information
25 from [~~or~~] the Federal Bureau of Investigation identification
26 division relating to an individual seeking appointment as a
27 guardian or temporary guardian.

1 (b) The clerk [~~commission~~] shall obtain[+
2 [~~(1)~~] fingerprint-based criminal history record
3 information of a proposed guardian if:

4 (1) [~~(A)~~] the liquid assets of the estate of a ward
5 exceed \$50,000; or

6 (2) [~~(B)~~] the proposed guardian is not a resident of
7 this state.

8 (c) The commission shall obtain[+ or

9 [~~(2)~~] name-based criminal history record information
10 of a proposed guardian, including any criminal history record
11 information under the current name and all former names of the
12 proposed guardian, if:

13 (1) [~~(A)~~] the liquid assets of the estate of a ward are
14 \$50,000 or less; and

15 (2) [~~(B)~~] the proposed guardian is a resident of this
16 state.

17 (d) Each proposed guardian described by Subsection (b)
18 shall file with the commission proof of having submitted to a
19 fingerprint-based criminal history search.

20 SECTION 10. Section 155.207(a), Government Code, is amended
21 to read as follows:

22 (a) The commission shall use the criminal history record
23 information obtained under this subchapter only for a purpose
24 authorized by this subchapter [~~or to maintain the registration of a~~
25 ~~guardianship under Subchapter D~~].

26 SECTION 11. Section 411.082, Government Code, is amended by
27 adding Subdivisions (1-a) and (1-b) to read as follows:

1 (1-a) "Applicant" means an individual who submits an
2 application for employment, licensure, certification, or
3 registration that requires the department to conduct a background
4 check using criminal history record information.

5 (1-b) "Application" means an application submitted by
6 hard copy or electronically for employment, licensure,
7 certification, or registration that requires the department to
8 conduct a background check using criminal history record
9 information.

10 SECTION 12. Section 411.084(b), Government Code, is amended
11 to read as follows:

12 (b) Notwithstanding Subsection (a) or any other provision
13 in this subchapter relating to the release or disclosure of such
14 information, criminal history record information obtained from the
15 Federal Bureau of Investigation may be released or disclosed only
16 to a governmental entity or as authorized by federal law and
17 regulations, federal executive orders, and federal policy.

18 SECTION 13. Section 411.0891, Government Code, is amended
19 by amending Subsections (a), (b), and (d) and adding Subsections
20 (a-1) and (e) to read as follows:

21 (a) The [~~Subject to Section 411.087, the~~] department may [~~is~~
22 ~~authorized to~~] obtain as provided by Subsection (a-1) [~~and use~~]
23 criminal history record information [~~maintained by the Federal~~
24 ~~Bureau of Investigation or the department~~] that relates to a person
25 who:

26 (1) is an applicant for or holds a registration issued
27 by the director under Subchapter C, Chapter 481, Health and Safety

1 Code, that authorizes the person to manufacture, distribute,
2 analyze, or conduct research with a controlled substance;

3 (2) is an applicant for or holds a registration issued
4 by the department under Chapter 487, Health and Safety Code, to be a
5 director, manager, or employee of a dispensing organization, as
6 defined by Section 487.001, Health and Safety Code;

7 (3) is an applicant for or holds an authorization
8 issued by the department under Section 521.2476, Transportation
9 Code, to do business in this state as a vendor of ignition interlock
10 devices;

11 (4) is an applicant for or holds certification by the
12 department as an inspection station or an inspector under
13 Subchapter G, Chapter 548, Transportation Code, holds an inspection
14 station or inspector certificate issued under that subchapter, or
15 is the owner of an inspection station operating under that chapter;
16 [~~or~~]

17 (5) is an applicant for or holds a certificate of
18 registration issued by the department under Chapter 1956,
19 Occupations Code, to act as a metal recycling entity;

20 (6) is an applicant for or holds a license to carry a
21 handgun issued by the department under Subchapter H, or is an
22 applicant for or holds a certification as an instructor issued by
23 the department under this chapter;

24 (7) is an applicant for or holds a capitol access pass
25 issued by the department under Section 411.0625; or

26 (8) is an applicant for or holds a license or
27 commission issued by the department under Chapter 1702, Occupations

1 Code.

2 (a-1) Subject to Section 411.087 and consistent with the
3 public policy of this state, the department is entitled to:

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

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

11 (b) The department may not release or disclose to any person
12 criminal history record information obtained from the Federal
13 Bureau of Investigation under Subsection (a-1)(1). The department
14 may release or disclose criminal history record information
15 obtained [~~or used~~] by the department under Subsection (a-1)(2) for
16 a purpose described by Subsection (a) to another person or agency
17 only:

- 18 (1) in a criminal proceeding;
- 19 (2) in a hearing conducted by the department;
- 20 (3) under an order from a court; or
- 21 (4) with the consent of the person who is the subject
22 of the criminal history record information.

23 (d) The department may require any person for whom the
24 department is authorized to obtain [~~and use~~] criminal history
25 record information [~~maintained by the Federal Bureau of~~
26 ~~Investigation or the department~~] under Subsection (a) to submit a
27 complete and legible set of fingerprints to the department on a form

1 prescribed by the department for the purpose of obtaining criminal
2 history record information.

3 (e) The department shall destroy criminal history record
4 information that is obtained under this section after the
5 information is used for its authorized purpose.

6 SECTION 14. Section 411.090, Government Code, is amended by
7 amending Subsections (a) and (b) and adding Subsections (a-1), (d),
8 and (e) to read as follows:

9 (a) The State Board for Educator Certification is entitled
10 to obtain [~~from the department~~] any criminal history record
11 information as provided by Subsection (a-1) [~~maintained by the~~
12 ~~department~~] about a person who has applied to the board for or who
13 currently holds a certificate under Subchapter B, Chapter 21,
14 Education Code.

15 (a-1) Subject to Section 411.087 and consistent with the
16 public policy of this state, the State Board for Educator
17 Certification is entitled to:

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

21 (2) obtain from the department or any other criminal
22 justice agency in this state criminal history record information
23 maintained by the department or that criminal justice agency that
24 relates to a person described by Subsection (a).

25 (b) The State Board for Educator Certification may not
26 release or disclose to any person criminal history record
27 information obtained from the Federal Bureau of Investigation under

1 Subsection (a-1)(1). Criminal history record information obtained
2 by the board under Subsection (a-1)(2) in the original form or any
3 subsequent form:

4 (1) may be used only for a purpose related to the
5 issuance, denial, reprimand, suspension, revocation, or
6 cancellation of a certificate issued by the board;

7 (2) may not be released to any person except:

8 (A) to the person who is the subject of the
9 information;

10 (B) to the Texas Education Agency;

11 (C) to a local or regional educational entity as
12 provided by Section [411.097](#); or

13 (D) by court order; and

14 (3) is not subject to disclosure as provided by
15 Chapter [552](#) ~~[, and~~

16 ~~[(4) shall be destroyed by the board after the~~
17 ~~information is used for the authorized purposes].~~

18 (d) The State Board for Educator Certification is not
19 prohibited from disclosing criminal history record information
20 obtained under Subsection (a-1)(2) in a criminal proceeding or in a
21 hearing conducted by the Texas Education Agency or State Board for
22 Educator Certification.

23 (e) The State Board for Educator Certification shall
24 destroy criminal history record information that is obtained under
25 this section after the information is used for its authorized
26 purpose.

27 SECTION 15. Section [411.0901](#), Government Code, is amended

1 by amending Subsections (a) and (b) and adding Subsections (a-1),
2 (c), and (d) to read as follows:

3 (a) The Texas Education Agency is entitled to obtain
4 criminal history record information as provided by Subsection (a-1)
5 ~~[maintained by the department]~~ about a person who:

6 (1) is employed or is an applicant for employment by a
7 school district or open-enrollment charter school;

8 (2) is employed or is an applicant for employment by a
9 shared services arrangement, if the employee's or applicant's
10 duties are or will be performed on school property or at another
11 location where students are regularly present; ~~[or]~~

12 (3) is employed or is an applicant for employment by an
13 entity that contracts or subcontracts with a school district,
14 open-enrollment charter school, or shared services arrangement, if
15 the applicant or employee has or will have:

16 (A) continuing duties related to the contracted
17 or subcontracted services; and

18 (B) direct contact with students;

19 (4) is employed or is an applicant for employment by
20 the Texas Education Agency;

21 (5) is subject to placement on the registry of persons
22 not eligible for employment in public schools under Section 22.092,
23 Education Code; or

24 (6) provides services as a tutor on behalf of a service
25 provider that offers accelerated or supplemental instruction under
26 Section 28.0211, Education Code, if the tutor has or will have
27 continuing duties related to the services provided and has or will

1 have direct contact with students [~~if:~~

2 [~~(A) the employee or applicant has or will have~~
3 ~~continuing duties relating to the contracted services; and~~

4 [~~(B) the employee or applicant has or will have~~
5 ~~direct contact with students~~].

6 (a-1) Subject to Section 411.087 and consistent with the
7 public policy of this state, the Texas Education Agency is entitled
8 to:

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

12 (2) obtain from the department or any other criminal
13 justice agency in this state criminal history record information
14 maintained by the department or that criminal justice agency that
15 relates to a person described by Subsection (a).

16 (b) The Texas Education Agency may not release or disclose
17 to any person criminal history record information obtained from the
18 Federal Bureau of Investigation under Subsection (a-1)(1).
19 Criminal history record information obtained by the agency under
20 Subsection (a-1)(2) in the original form or any subsequent form:

21 (1) may be used only for a purpose authorized by the
22 Education Code;

23 (2) may not be released to any person except:

24 (A) the person who is the subject of the
25 information;

26 (B) the State Board for Educator Certification;

27 (C) a local or regional educational entity as

1 provided by Section 411.097; or

2 (D) by court order; and

3 (3) is not subject to disclosure as provided by
4 Chapter 552 ~~[, and~~

5 ~~[(4) shall be destroyed by the agency after the
6 information is used for the authorized purposes].~~

7 (c) The Texas Education Agency is not prohibited from
8 disclosing criminal history record information obtained under
9 Subsection (a-1)(2) in a criminal proceeding or in a hearing
10 conducted by the Texas Education Agency or State Board for Educator
11 Certification.

12 (d) The Texas Education Agency shall destroy criminal
13 history record information that is obtained under this section
14 after the information is used for its authorized purpose.

15 SECTION 16. Section 411.093, Government Code, is amended to
16 read as follows:

17 Sec. 411.093. ACCESS TO CRIMINAL HISTORY RECORD
18 INFORMATION: TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a)
19 The Texas Department of Licensing and Regulation is entitled to
20 obtain ~~[from the department]~~ criminal history record information as
21 provided by Subsection (b) [maintained the department] that
22 relates to ~~[a person who is]~~:

23 (1) an applicant for or the holder of:

24 (A) a driver education instructor license under
25 Chapter 1001, Education Code;

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

1 (C) a license under Chapter 401, Occupations
2 Code; or

3 (D) a license under Chapter 402, Occupations Code
4 [a license, certificate, registration, title, or permit issued by
5 the department]; ~~[or]~~

6 (2) a person who is:

7 (A) an applicant for or the holder of a license
8 under Chapter 91, Labor Code; or

9 (B) a controlling person, as defined by Chapter
10 91, Labor Code, of an entity described by Paragraph (A); or

11 (3) a person who:

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

14 (B) has an interest described under Section
15 455.1525(e), Occupations Code, in an entity described by Paragraph
16 (A) [~~, certificate, registration, title, or permit issued by the~~
17 department].

18 (b) Subject to Section 411.087 and consistent with the
19 public policy of this state, the Texas Department of Licensing and
20 Regulation is entitled to:

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

24 (2) obtain from the department or any other criminal
25 justice agency in this state criminal history record information
26 maintained by the department or that criminal justice agency that
27 relates to a person described by Subsection (a).

1 (c) The Texas Department of Licensing and Regulation may not
2 release or disclose to any person criminal history record
3 information obtained from the Federal Bureau of Investigation under
4 Subsection (b)(1). Criminal history record information obtained by
5 the Texas Department of Licensing and Regulation under Subsection
6 (b)(2) may not be released or disclosed to any person except on
7 court order, with the written consent of the person who is the
8 subject of the criminal history record information, or as provided
9 by Subsection (d).

10 (d) The Texas Department of Licensing and Regulation is not
11 prohibited from disclosing criminal history record information
12 obtained under Subsection (b)(2) in a criminal proceeding or in a
13 hearing conducted by the Texas Department of Licensing and
14 Regulation or the State Office of Administrative Hearings, as
15 applicable.

16 (e) The Texas Department of Licensing and Regulation shall
17 destroy criminal history record information that is obtained under
18 this section after the information is used for its authorized
19 purpose.

20 SECTION 17. Section 411.095, Government Code, is amended to
21 read as follows:

22 Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD
23 INFORMATION: CONSUMER CREDIT COMMISSIONER. (a) The consumer
24 credit commissioner is entitled to obtain [~~from the department~~]
25 criminal history record information as provided by Subsection (a-1)
26 that relates to a person who is:

27 (1) an applicant for or holder of a license or

1 registration under Chapter 180, 342, 347, 348, 351, 353, 371, 393,
2 or 394, Finance Code;

3 (2) an employee of or volunteer with the Office of
4 Consumer Credit Commissioner;

5 (3) an applicant for employment with the Office of
6 Consumer Credit Commissioner; ~~[or]~~

7 (4) a contractor or subcontractor of the Office of
8 Consumer Credit Commissioner; or

9 (5) an officer, director, owner, or employee of a
10 person described by Subdivision (1) or another person having a
11 substantial relationship with that person under Chapter 180, 342,
12 347, 348, 351, 353, 371, 393, or 394, Finance Code.

13 (a-1) Subject to Section 411.087 and consistent with the
14 public policy of this state, the consumer credit commissioner is
15 entitled to:

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

19 (2) obtain from the department or any other criminal
20 justice agency in this state criminal history record information
21 maintained by the department or that criminal justice agency that
22 relates to a person described by Subsection (a).

23 (b) The consumer credit commissioner may not release or
24 disclose to any person criminal history record information obtained
25 from the Federal Bureau of Investigation under Subsection (a-1)(1).

26 The consumer credit commissioner may not release or disclose
27 criminal history record information obtained under Subsection

1 (a-1)(2) [~~this section~~] unless:

2 (1) [~~the information is obtained from a~~
3 ~~fingerprint-based search, and~~

4 [~~(2) the information is released or disclosed:~~

5 [~~(A)~~] on court order;

6 (2) [~~(B)~~] to the person who is the subject of the
7 criminal history record information; [~~or~~]

8 (3) [~~(C)~~] with the consent of the person who is the
9 subject of the criminal history record information; or

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

12 (c) The consumer credit commissioner shall destroy criminal
13 history record information that is obtained under this section
14 after the information is used for its authorized purpose.

15 SECTION 18. Section 411.096, Government Code, is amended to
16 read as follows:

17 Sec. 411.096. ACCESS TO CRIMINAL HISTORY RECORD
18 INFORMATION: TEXAS RACING COMMISSION. (a) The Texas Racing
19 Commission is entitled to obtain as provided by Subsection (a-1)
20 [~~from the department~~] criminal history record information
21 [~~maintained by the department~~] that relates [~~pertains~~] to [~~a person~~
22 ~~who is~~]:

23 (1) a person who:

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

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

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

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

5 (A) the Texas Racing Commission; or

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

8 (3) an applicant for employment at, current employee
9 of, or person who contracts or may contract to provide goods or
10 services with the Texas Racing Commission ~~[appointed to the~~
11 ~~commission,~~

12 ~~[(2) an applicant for employment by the commission; or~~

13 ~~[(3) an applicant for a license under Subtitle A-1,~~
14 ~~Title 13, Occupations Code (Texas Racing Act)].~~

15 (a-1) Subject to Section 411.087 and consistent with the
16 public policy of this state, the Texas Racing Commission is
17 entitled to:

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

21 (2) obtain from the department or any other criminal
22 justice agency in this state criminal history record information
23 maintained by the department or that criminal justice agency that
24 relates to a person described by Subsection (a).

25 (b) The Texas Racing Commission may not release or disclose
26 to any person criminal history record information obtained from the
27 Federal Bureau of Investigation under Subsection (a-1)(1).

1 Criminal history record information obtained by the Texas Racing
2 Commission [~~commission~~] under Subsection (a-1)(2) [~~(a)~~] may not be
3 released or disclosed to any person except [~~in a criminal~~
4 ~~proceeding, in a hearing conducted by the commission,~~] on court
5 order, [~~or~~] with the written consent of the person who is the
6 subject of the criminal history record information, or as provided
7 by Subsection (c) [~~applicant~~].

8 (c) The Texas Racing Commission is not prohibited from
9 disclosing criminal history record information obtained under
10 Subsection (a-1)(1) in a criminal proceeding or in a hearing
11 conducted by the Texas Racing Commission or the State Office of
12 Administrative Hearings, as applicable.

13 (d) The Texas Racing Commission shall destroy criminal
14 history record information that is obtained under this section
15 after the information is used for its authorized purpose.

16 SECTION 19. Section 411.097, Government Code, is amended by
17 amending Subsections (a), (b), (c), and (d) and adding Subsections
18 (c-1), (g), and (h) to read as follows:

19 (a) A school district, charter school, private school,
20 regional education service center, commercial transportation
21 company, or education shared services arrangement, or an entity
22 that contracts to provide services to a school district, charter
23 school, or shared services arrangement, is entitled to obtain [~~from~~
24 ~~the department~~] criminal history record information as provided by
25 Subsection (c-1) [~~maintained by the department~~] that the district,
26 school, service center, shared services arrangement, or entity is
27 required or authorized to obtain under Subchapter C, Chapter 22,

1 Education Code, that relates to a person who is:

2 (1) an applicant for employment by the district,
3 school, service center, or shared services arrangement;

4 (2) an employee of or an applicant for employment with
5 a public or commercial transportation company that contracts with
6 the district, school, service center, or shared services
7 arrangement to provide transportation services if the employee
8 drives or the applicant will drive a bus in which students are
9 transported or is employed or is seeking employment as a bus monitor
10 or bus aide on a bus in which students are transported; ~~or~~

11 (3) an employee of or applicant for employment by an
12 entity that contracts to provide services to a school district,
13 charter school, or shared services arrangement as provided by
14 Section 22.0834 ~~[or 22.08341]~~, Education Code;

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

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

22 (b) A school district, charter school, private school,
23 regional education service center, or education shared services
24 arrangement is entitled to obtain ~~[from the department]~~ criminal
25 history record information as provided by Subsection (c-1)
26 ~~[maintained by the department]~~ that the district, school, service
27 center, or shared services arrangement is required or authorized to

1 obtain under Subchapter C, Chapter 22, Education Code, that relates
2 to a person who is a volunteer, student teacher, or employee of the
3 district, school, service center, or shared services arrangement.

4 (c) An open-enrollment charter school is entitled to obtain
5 ~~[from the department]~~ criminal history record information as
6 provided by Subsection (c-1) ~~[maintained by the department]~~ that
7 relates to a person who:

8 (1) is a member of the governing body of the school, as
9 defined by Section 12.1012, Education Code; or

10 (2) has agreed to serve as a member of the governing
11 body of the school.

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

19 (1) obtain through the Federal Bureau of Investigation
20 criminal history record information maintained or indexed by that
21 bureau that pertains to a person described by Subsection (a), (b),
22 or (c), as applicable; and

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

1 (d) A school district, charter school, private school,
2 regional education service center, commercial transportation
3 company, or education shared services arrangement, or an entity
4 that contracts to provide services to a school district, charter
5 school, or shared services arrangement, may not release or disclose
6 to any person criminal history record information obtained from the
7 Federal Bureau of Investigation under Subsection (c-1)(1).
8 Criminal history record information obtained by a school district,
9 charter school, private school, service center, commercial
10 transportation company, or shared services arrangement, or
11 obtained by an entity that contracts to provide services to a school
12 district, charter school, or shared services arrangement, under
13 Subsection (c-1)(2) in the original form or any subsequent form:

- 14 (1) may not be released to any person except:
- 15 (A) the individual who is the subject of the
16 information;
- 17 (B) the Texas Education Agency;
- 18 (C) the State Board for Educator Certification;
- 19 (D) the chief personnel officer of the
20 transportation company, if the information is obtained under
21 Subsection (a)(2); or
- 22 (E) by court order; and

23 (2) is not subject to disclosure as provided by
24 Chapter 552 ~~[, and~~

25 ~~[(3) shall be destroyed by the school district,~~
26 ~~charter school, private school, service center, commercial~~
27 ~~transportation company, or shared services arrangement on the~~

1 ~~earlier of:~~

2 ~~[(A) the first anniversary of the date the~~
3 ~~information was originally obtained, or~~

4 ~~[(B) the date the information is used for the~~
5 ~~authorized purpose].~~

6 (g) A school district, charter school, private school,
7 regional education service center, commercial transportation
8 company, or education shared services arrangement or an entity that
9 contracts to provide services to a school district, charter school,
10 or shared services arrangement, as applicable, is not prohibited
11 from disclosing criminal history record information obtained under
12 Subsection (c-1)(2) in a criminal proceeding or in a hearing
13 conducted by the Texas Education Agency or State Board for Educator
14 Certification.

15 (h) A school district, charter school, private school,
16 regional education service center, commercial transportation
17 company, or education shared services arrangement or an entity that
18 contracts to provide services to a school district, charter school,
19 or shared services arrangement, as applicable, shall destroy
20 criminal history record information that is obtained under this
21 section after the information is used for its authorized purpose.

22 SECTION 20. Section 411.0995, Government Code, is amended
23 to read as follows:

24 Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD
25 INFORMATION: STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) The
26 State Board of Veterinary Medical Examiners is entitled to obtain
27 [~~from the department~~] criminal history record information as

1 provided by Subsection (b) [maintained by the department] that
2 relates to a license under Chapter 801, Occupations Code, for a
3 person who is:

4 (1) an applicant for:

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

7 (B) a veterinary technician license; or

8 (C) an equine dental provider license; or

9 (2) a holder of a license described by Subdivision
10 (1)(A), (B), or (C) [~~(1) an applicant for a license to practice~~
11 ~~equine dentistry under Chapter 801, Occupations Code; or~~
12 ~~(2) the holder of a license under that chapter].~~

13 (b) Subject to Section 411.087 and consistent with the
14 public policy of this state, the State Board of Veterinary Medical
15 Examiners is entitled to:

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

19 (2) obtain from the department or any other criminal
20 justice agency in this state criminal history record information
21 maintained by the department or that criminal justice agency that
22 relates to a person described by Subsection (a).

23 (c) The State Board of Veterinary Medical Examiners may not
24 release or disclose to any person criminal history record
25 information obtained from the Federal Bureau of Investigation under
26 Subsection (b)(1). Criminal history record information obtained by
27 the State Board of Veterinary Medical Examiners under Subsection

1 (b)(2) may not be released or disclosed to any person except on
2 court order, with the written consent of the person who is the
3 subject of the criminal history record information, or as provided
4 by Subsection (d).

5 (d) The State Board of Veterinary Medical Examiners is not
6 prohibited from disclosing criminal history record information
7 obtained under Subsection (b)(2) in a criminal proceeding or in a
8 hearing conducted by the State Board of Veterinary Medical
9 Examiners.

10 (e) The State Board of Veterinary Medical Examiners shall
11 destroy criminal history record information that is obtained under
12 this section after the information is used for its authorized
13 purpose.

14 SECTION 21. Section 411.105, Government Code, is amended to
15 read as follows:

16 Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD
17 INFORMATION: TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. (a) The
18 Texas State Board of Public Accountancy is entitled to obtain [~~from~~
19 ~~the department~~] criminal history record information as provided by
20 Subsection (b) [~~maintained by the department~~] that relates to [~~a~~
21 ~~person who is~~]:

22 (1) an applicant for a license or certification as a
23 certified public accountant under Chapter 901, Occupations Code;
24 [~~or~~]

25 (2) an applicant to take the uniform certified public
26 accountant [~~CPA~~] examination under Chapter 901, Occupations Code;

27 (3) an applicant for reinstatement of a license or

1 certificate under Chapter 901, Occupations Code;

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

4 (5) an owner or an individual who seeks to become an
5 owner of a certified public accountancy firm if the owner or
6 prospective owner is not a license holder under Chapter 901,
7 Occupations Code [~~that Act~~].

8 (b) Subject to Section 411.087 of this code and Section
9 901.169, Occupations Code, and consistent with the public policy of
10 this state, the Texas State Board of Public Accountancy is entitled
11 to:

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

15 (2) obtain from the department or any other criminal
16 justice agency in this state criminal history record information
17 maintained by the department or that criminal justice agency that
18 relates to a person described by Subsection (a).

19 (c) The Texas State Board of Public Accountancy may not
20 release or disclose to any person criminal history record
21 information obtained from the Federal Bureau of Investigation under
22 Subsection (b)(1). Criminal history record information obtained by
23 the board under Subsection (b)(2) may not be released or disclosed
24 to any person except on court order, with the written consent of the
25 person who is the subject of the criminal history record
26 information, or as provided by Subsection (d).

27 (d) The board is not prohibited from disclosing criminal

1 history record information obtained under Subsection (b)(2) in a
2 criminal proceeding or in a hearing conducted by or on behalf of the
3 board.

4 (e) The board shall destroy criminal history record
5 information that is obtained under this section after the
6 information is used for its authorized purpose.

7 SECTION 22. Section 411.106, Government Code, is amended to
8 read as follows:

9 Sec. 411.106. ACCESS TO CRIMINAL HISTORY RECORD
10 INFORMATION: TEXAS DEPARTMENT OF INSURANCE. (a) The Texas
11 Department of Insurance [~~for good cause shown~~] is entitled to
12 obtain [~~from the department~~] criminal history record information as
13 provided by Subsection (a-1) [~~maintained by the department~~] that
14 relates to a person who is:

15 (1) an applicant for a license, permit, certificate of
16 authority, certificate of registration, or other authorization
17 issued by the Texas Department [~~State Board~~] of Insurance to engage
18 in an activity regulated under the Insurance Code; or

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

21 (a-1) Subject to Section 411.087 and consistent with the
22 public policy of this state, the Texas Department of Insurance is
23 entitled to:

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

27 (2) obtain from the department or any other criminal

1 justice agency in this state criminal history record information
2 maintained by the department or that criminal justice agency that
3 relates to a person described by Subsection (a).

4 (b) The Texas Department of Insurance may not release or
5 disclose to any person criminal history record information obtained
6 from the Federal Bureau of Investigation under Subsection (a-1)(1).
7 Criminal history record information obtained by the Texas
8 Department of Insurance under Subsection (a-1)(2) [~~(a)~~] may not be
9 disclosed or released to any person except on court order, [or] with
10 the written consent of the person who is the subject of the criminal
11 history record information, or as provided by Subsection (b-1).

12 (b-1) The Texas Department of Insurance is not prohibited
13 from disclosing criminal history record information obtained under
14 Subsection (d)(2) in a criminal proceeding or in a hearing
15 conducted by the Texas Department of Insurance.

16 (c) The [~~After the~~] Texas Department of Insurance [~~makes a~~
17 ~~determination as to the issuance of a license or certificate of~~
18 ~~authority to an applicant, the Texas Department of Insurance]~~ shall
19 destroy [~~seal the~~] criminal history record information that is
20 obtained under this section after the information is used for its
21 authorized purpose [~~regarding the applicant and shall deliver the~~
22 ~~information to the commissioner of insurance or the commissioner's~~
23 ~~designee, who shall maintain the information as provided by State~~
24 ~~Board of Insurance rule]~~.

25 SECTION 23. Section 411.107, Government Code, is amended to
26 read as follows:

27 Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD

1 INFORMATION: RECEIVER. (a) In this section, "receiver" has the
2 meaning assigned by Section 443.004 [~~Article 21.28~~], Insurance
3 Code.

4 (b) A receiver is entitled to obtain [~~from the department~~]
5 criminal history record information as provided by Subsection (b-1)
6 [~~maintained by the department~~] that relates to a person:

7 (1) who is a creditor or claimant of the receivership
8 estate; or

9 (2) against whom the receivership estate has a claim
10 [~~the receiver believes is necessary for the investigation of any~~
11 ~~matter relating to a receivership estate].~~

12 (b-1) Subject to Section 411.087 and consistent with the
13 public policy of this state, a receiver is entitled to:

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

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

21 (c) The receiver may not release or disclose to any person
22 criminal history record information obtained from the Federal
23 Bureau of Investigation under Subsection (b-1)(1). Criminal
24 history record information obtained by a receiver under Subsection
25 (b-1)(2) [~~(b)~~] may not be released or disclosed to any person except
26 on court order or with the written consent of the person who is the
27 subject of the criminal history record information.

1 (d) A receiver shall [~~may~~] destroy criminal history record
2 information obtained by the receiver under this section [~~Subsection~~
3 ~~(b)~~] after the purpose for which the information was obtained is
4 accomplished.

5 SECTION 24. Section 411.108, Government Code, is amended by
6 amending Subsections (a), (a-1), (b), and (c) and adding
7 Subsections (a-2), (d), and (e) to read as follows:

8 (a) The Texas Lottery Commission is entitled to obtain [~~from~~
9 ~~the department~~] criminal history record information as provided by
10 Subsection (a-2) [~~maintained by the department~~] that relates to a
11 person who, under Section 466.201 [~~under Chapter 466~~], is:

12 (1) a sales agent or an applicant for a sales agent
13 license;

14 (2) a person required to be named in a license
15 application;

16 (3) a lottery operator or prospective lottery operator
17 who has submitted a written proposal to the commission in
18 connection with the procurement of lottery operations and services
19 by the commission;

20 (4) an employee of a lottery operator or prospective
21 lottery operator, if the employee is or will be directly involved in
22 lottery operations;

23 (5) a person who manufactures or distributes lottery
24 equipment or supplies or a representative of a person who
25 manufactures or distributes lottery equipment or supplies offered
26 to the lottery;

27 (6) a person who has submitted a written bid or

1 proposal to the commission in connection with the procurement of
2 goods or services by the commission, if the amount of the bid or
3 proposal exceeds \$500;

4 (7) an employee or other person who works for or will
5 work for a sales agent or an applicant for a sales agent license;

6 (8) a person who proposes to enter into or who has a
7 contract with the commission to supply goods or services to the
8 commission;

9 (9) if a person described in Subdivisions (1) through
10 (8) of this section is not an individual, an individual who:

11 (A) is an officer or director of the person;

12 (B) holds more than 10 percent of the stock in the
13 person;

14 (C) holds an equitable interest greater than 10
15 percent in the person;

16 (D) is a creditor of the person who holds more
17 than 10 percent of the person's outstanding debt;

18 (E) is the owner or lessee of a business that the
19 person conducts or through which the person will conduct
20 lottery-related activities;

21 (F) shares or will share in the profits, other
22 than stock dividends, of the person;

23 (G) participates in managing the affairs of the
24 person; or

25 (H) is an employee of the person who is or will be
26 involved in:

27 (i) selling tickets; or

1 (ii) handling money from the sale of
2 tickets;

3 (10) the executive director or a prospective executive
4 director of the commission;

5 (11) an employee or prospective employee of the
6 commission; or

7 (12) a sales agent whose license is renewed under
8 Section 466.158.

9 (a-1) The Texas Lottery Commission is entitled to obtain
10 ~~[from the department]~~ criminal history record information as
11 provided by Subsection (a-2) ~~[maintained by the department]~~ that
12 relates to a person licensed under Chapter 2001, Occupations Code,
13 or described by Section 2001.3025, Occupations Code.

14 (a-2) Subject to Sections 411.087, 466.201, and 467.036(b)
15 of this code and Section 2001.3025, Occupations Code, and
16 consistent with the public policy of this state, the Texas Lottery
17 Commission is entitled to:

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

21 (2) obtain from the department or any other criminal
22 justice agency in this state criminal history record information
23 maintained by the department or that criminal justice agency that
24 relates to a person described by Subsection (a).

25 (b) The Texas Lottery Commission may not release or disclose
26 to any person criminal history record information obtained from the
27 Federal Bureau of Investigation under Subsection (a-2)(1).

1 Criminal history record information obtained by the commission
2 under Subsection (a-2)(2) [~~(a) or (a-1)~~] may not be released or
3 disclosed to any person except on court order, with the written
4 consent of the person who is the subject of the criminal history
5 record information, or as provided by Subsection (c).

6 (c) The commission is not prohibited from disclosing to the
7 person who is the subject of the criminal history record
8 information obtained under Subsection (a-2)(2) the dates and places
9 of arrests, offenses, and dispositions contained in the [~~criminal~~
10 ~~history record~~] information.

11 (d) The Texas Lottery Commission is not prohibited from
12 disclosing criminal history record information obtained under
13 Subsection (a-2)(2) in a criminal proceeding or in a hearing
14 conducted by the State Office of Administrative Hearings.

15 (e) The commission shall destroy criminal history record
16 information that is obtained under this section after the
17 information is used for its authorized purpose.

18 SECTION 25. Section 411.109, Government Code, is amended by
19 amending Subsections (a), (b), and (d) and adding Subsections (c),
20 (f), and (g) to read as follows:

21 (a) The comptroller is entitled to obtain [~~from the~~
22 ~~department~~] criminal history record information as provided by
23 Subsection (c) [~~maintained by the department~~] that the comptroller
24 believes is necessary for the enforcement or administration of
25 Chapter 103, Civil Practice and Remedies Code, or Chapter 151, 152,
26 154, 155, or 162, Tax Code, including criminal history record
27 information that relates to a person who is:

1 (1) an applicant for a permit under any of those
2 chapters;

3 (2) a permit holder under any of those chapters;

4 (3) an officer, director, stockholder owning 10
5 percent or more of the outstanding stock, partner, owner, or
6 managing employee of an applicant or permit holder under any of
7 those chapters that is a corporation, association, joint venture,
8 syndicate, partnership, or proprietorship;

9 (4) believed to have violated any of those chapters;

10 (5) being considered by the comptroller for employment
11 as a peace officer; or

12 (6) receiving, scheduled to receive, or applying to
13 receive compensation under Chapter 103, Civil Practice and Remedies
14 Code.

15 (b) The comptroller is entitled to obtain [~~from the~~
16 ~~department~~] criminal history record information as provided by
17 Subsection (c) [maintained by the department] that relates to a
18 person who is an employee, intern, learner, trainee, contractor,
19 subcontractor, apprentice, or volunteer of, or who is an applicant
20 for employment or service in one of those capacities with, the
21 comptroller's office in a position that involves:

22 (1) handling currency, checks, or other funds;

23 (2) having access to taxpayer account information;

24 (3) working in a location designated by the
25 comptroller as a security-sensitive area; [~~or~~]

26 (4) performing financial management duties designated
27 by the comptroller as security sensitive;

1 (5) performing work on a computer system; or
2 (6) having remote access to comptroller computer
3 systems, information technology, or information technology
4 resources.

5 (c) Subject to Section 411.087 and consistent with the
6 public policy of this state, the comptroller is entitled to:

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

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

15 (d) The comptroller may not release or disclose to any
16 person criminal history record information obtained from the
17 Federal Bureau of Investigation under Subsection (c)(1). Criminal
18 history record information obtained by the comptroller under
19 Subsection (c)(2) [~~Subsections (a), (b), and (c)~~] may not be
20 released or disclosed to any person except on court order, with the
21 written consent of the person who is the subject of the criminal
22 history record information, or as provided by Subsection (e) or
23 (f).

24 (f) The comptroller is not prohibited from disclosing
25 criminal history record information obtained under Subsection
26 (c)(2) in a criminal proceeding or in a hearing conducted by the
27 comptroller.

1 (g) The comptroller shall destroy criminal history record
2 information that is obtained under this section after the
3 information is used for its authorized purpose.

4 SECTION 26. Section 411.110, Government Code, is amended by
5 amending Subsections (a), (b), (c), and (e) and adding Subsection
6 (a-1) to read as follows:

7 (a) The Department of State Health Services and the Health
8 and Human Services Commission are entitled to obtain [~~from the~~
9 ~~department~~] criminal history record information as provided by
10 Subsection (a-1) [maintained by the department] that relates to a
11 person required to be fingerprinted who is:

12 (1) [~~a person who is:~~

13 [~~(A)~~] an applicant for a license or certificate
14 under Chapter 773, Health and Safety Code, [~~the Emergency Health~~
15 ~~Care Act (Chapter 773, Health and Safety Code),~~]

16 [~~(B)~~] an owner or manager of an applicant for an
17 emergency medical services provider license under that chapter,
18 [~~Act,~~] or

19 [~~(C)~~] the holder of a license or certificate
20 under that chapter [~~Act~~];

21 (2) an applicant for a license or a license holder
22 under Subchapter I, L, or [~~Subchapter~~] N, Chapter 431, Health and
23 Safety Code;

24 (3) an applicant for employment at or current employee
25 of:

26 (A) a public health hospital as defined by
27 Section 13.033, Health and Safety Code; or

1 (B) the South Texas Health Care System;

2 (4) an applicant for employment at, current employee
3 of, or person who contracts or may contract to provide goods or
4 services with the Council on Sex Offender Treatment or other
5 division or component of the Health and Human Services Commission
6 that monitors sexually violent predators as described by Section
7 841.003(a), Health and Safety Code; ~~[or]~~

8 (5) ~~[a person]~~ authorized to access vital records or
9 the vital records electronic registration system under Chapter 191,
10 Health and Safety Code, including an employee of or contractor for
11 the Department of State Health Services, a local registrar, a
12 medical professional, or a funeral director; or

13 (6) an applicant for a license or a license holder
14 under Subchapter C, Chapter 443, Health and Safety Code.

15 (a-1) Subject to Section 411.087 and consistent with the
16 public policy of this state, the Department of State Health
17 Services and the Health and Human Services Commission are entitled
18 to:

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

22 (2) obtain from the department or any other criminal
23 justice agency in this state criminal history record information
24 maintained by the department or that criminal justice agency that
25 relates to a person described by Subsection (a).

26 (b) The Department of State Health Services or the Health
27 and Human Services Commission, as applicable, may not release or

1 disclose to any person criminal history record information obtained
2 from the Federal Bureau of Investigation under Subsection
3 (a-1)(1). Criminal history record information obtained by the
4 Department of State Health Services or the Health and Human
5 Services Commission under Subsection (a-1)(2) [~~(a)~~] may not be
6 released or disclosed to any person except:

7 (1) on court order;

8 (2) [~~r~~] with the written consent of the person who [~~or~~
9 ~~entity that~~] is the subject of the criminal history record
10 information;

11 (3) between the Department of State Health Services
12 and the Health and Human Services Commission to share with the other
13 agency information obtained under this section for the purposes
14 authorized by this section; or

15 (4) [~~r or~~] as provided by Subsection (e).

16 (c) The [~~After an entity is licensed or certified, the~~]
17 Department of State Health Services or the Health and Human
18 Services Commission, as applicable, shall destroy the criminal
19 history record information that is obtained under this section
20 after the information is used for its authorized purpose [~~relates~~
21 ~~to that entity. The Department of State Health Services or the~~
22 ~~Health and Human Services Commission, as applicable, shall destroy~~
23 ~~the criminal history record information that relates to:~~

24 [~~(1) an applicant for employment after that applicant~~
25 ~~is employed or, for an applicant who is not employed, after the~~
26 ~~check of the criminal history record information on that applicant~~
27 ~~is completed; or~~

1 ~~[(2) an employee or contractor after the check of the~~
2 ~~criminal history record information on that employee or contractor~~
3 ~~is completed].~~

4 (e) The Department of State Health Services or the Health
5 and Human Services Commission, as applicable, is not prohibited
6 from disclosing criminal history record information obtained under
7 Subsection (a-1)(2) ~~[(a)]~~ in a criminal proceeding or in a hearing
8 conducted by the Department of State Health Services or the Health
9 and Human Services Commission, as applicable.

10 SECTION 27. Section 411.1103, Government Code, is amended
11 to read as follows:

12 Sec. 411.1103. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: ~~[DEPARTMENT OF STATE HEALTH SERVICES AND]~~ HEALTH AND
14 HUMAN SERVICES COMMISSION. (a) The ~~[Department of State Health~~
15 ~~Services and the]~~ Health and Human Services Commission is ~~[are]~~
16 entitled to obtain ~~[from the department]~~ criminal history record
17 information as provided by Subsection (d) ~~[maintained by the~~
18 ~~department]~~ that relates to a person required to be fingerprinted:

19 (1) who is:

20 (A) an applicant for employment at a state
21 hospital established under Chapter 552, Health and Safety Code;

22 (B) an employee of a state hospital established
23 under Chapter 552, Health and Safety Code;

24 (C) a person who contracts or may contract to
25 provide goods or services to the ~~[Department of State Health~~
26 ~~Services or the]~~ Health and Human Services Commission, as
27 applicable, at a state hospital established under Chapter 552,

1 Health and Safety Code, or an employee of or applicant for
2 employment with that person;

3 (D) a volunteer with a state hospital established
4 under Chapter 552, Health and Safety Code; or

5 (E) an applicant for a volunteer position with a
6 state hospital established under Chapter 552, Health and Safety
7 Code; and

8 (2) who would be placed in direct contact with a
9 patient at a state hospital established under Chapter 552, Health
10 and Safety Code.

11 (b) The Health and Human Services Commission may not release
12 or disclose to any person criminal history record information
13 obtained from the Federal Bureau of Investigation under Subsection
14 (d)(1). Criminal history record information obtained by the
15 [~~Department of State Health Services or the~~] Health and Human
16 Services Commission under Subsection (d)(2) [~~this section~~] may not
17 be released or disclosed to any person except:

18 (1) on court order;

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

21 (3) for purposes of an administrative hearing held by
22 the [~~Department of State Health Services or the~~] Health and Human
23 Services Commission[~~, as applicable,~~] concerning the person who is
24 the subject of the criminal history record information; or

25 (4) as provided by Subsection (c).

26 (c) The [~~Department of State Health Services or the~~] Health
27 and Human Services Commission is not prohibited from releasing

1 criminal history record information obtained under Subsection
2 (d)(2) [~~this section~~] to the person who is the subject of the
3 criminal history record information.

4 (d) Subject to Section 411.087 and consistent with the
5 public policy of this state, the [~~Department of State Health~~
6 ~~Services and the~~] Health and Human Services Commission is [~~are~~]
7 entitled to:

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

11 (2) obtain from the department or any other criminal
12 justice agency in this state criminal history record information
13 maintained by the department or that criminal justice agency that
14 relates to a person described by Subsection (a).

15 (e) This section does not prohibit the [~~Department of State~~
16 ~~Health Services or the~~] Health and Human Services Commission from
17 obtaining and using criminal history record information as provided
18 by other law.

19 (f) The Health and Human Services Commission shall destroy
20 criminal history record information that is obtained under this
21 section after the information is used for its authorized purpose.

22 SECTION 28. Section 411.1105, Government Code, is amended
23 to read as follows:

24 Sec. 411.1105. ACCESS TO CRIMINAL HISTORY RECORD
25 INFORMATION: [~~DEPARTMENT OF STATE HEALTH SERVICES AND~~] HEALTH AND
26 HUMAN SERVICES COMMISSION. (a) The [~~Department of State Health~~
27 ~~Services and the~~] Health and Human Services Commission is [~~are~~]

1 entitled to obtain [~~from the department~~] criminal history record
2 information as provided by Subsection (a-1) [~~maintained by the~~
3 ~~department~~] that relates to a person required to be fingerprinted
4 who is:

5 (1) an applicant for a chemical dependency counselor's
6 license, a counselor intern's registration, or a clinical
7 supervisor certification under Chapter 504, Occupations Code; or

8 (2) the holder of a license, registration, or
9 certification under that chapter.

10 (a-1) Subject to Section 411.087 and consistent with the
11 public policy of this state, the Health and Human Services
12 Commission is entitled to:

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

16 (2) obtain from the department or any other criminal
17 justice agency in this state criminal history record information
18 maintained by the department or that criminal justice agency that
19 relates to a person described by Subsection (a).

20 (b) In addition to information obtained from the Federal
21 Bureau of Investigation under Subsection (a-1)(1) and Section
22 411.087, the [~~Department of State Health Services and the~~] Health
23 and Human Services Commission is [~~are~~] entitled to obtain
24 information relating to the wanted persons status of an individual
25 listed in Subsection (a).

26 (c) The Health and Human Services Commission may not release
27 or disclose to any person criminal history record information

1 obtained from the Federal Bureau of Investigation under Subsection
2 (a-1)(1) or (b). Criminal history record information obtained by
3 the [~~Department of State Health Services or the~~] Health and Human
4 Services Commission under Subsection (a-1)(2) [~~(a)~~] may not be
5 released or disclosed to any person except:

- 6 (1) on court order;
7 (2) [~~7~~] with the consent of the person who is the
8 subject of the criminal history record information; [~~7~~] or
9 (3) as provided by Subsection (d).

10 (d) The [~~Department of State Health Services or the~~] Health
11 and Human Services Commission [~~7 as applicable, 7~~] may provide the
12 applicant or licensee with a copy of the person's criminal history
13 record information obtained from the Department of Public Safety [~~7~~
14 ~~Federal Bureau of Investigation identification division,~~] or
15 another law enforcement agency under Subsection (a-1)(2).

16 (e) This section does not prohibit the Health and Human
17 Services Commission from obtaining and using criminal history
18 record information as provided by other law.

19 (f) The Health and Human Services Commission shall destroy
20 criminal history record information that is obtained under this
21 section after the information is used for its authorized purpose.

22 SECTION 29. Section 411.1106, Government Code, is amended
23 by amending Subsections (b), (c), (d), and (e) and adding
24 Subsections (b-1) and (f) to read as follows:

25 (b) The executive commissioner of the commission, or the
26 executive commissioner's designee, is entitled to obtain [~~from the~~
27 ~~department~~] criminal history record information as provided by

1 Subsection (f) [~~maintained by the department~~] that relates to a
2 person required to be fingerprinted who is:

3 (1) an applicant [~~for employment~~] for a position in
4 which the person, as an employee, contractor, or volunteer, would
5 have access to sensitive personal or financial information, as
6 determined by the executive commissioner, in:

7 (A) the eligibility services division of the
8 commission as established under Section 531.008; [~~or~~]

9 (B) the commission's office of inspector general
10 as established by Section 531.008 and Subchapter C, Chapter 531; or

11 (C) the regulatory services division of the
12 commission as established under Section 531.008; or

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

16 (b-1) Subject to Section 411.087 and consistent with the
17 public policy of this state, the commission is entitled to:

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

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

25 (c) The commission may not release or disclose to any person
26 criminal history record information obtained from the Federal
27 Bureau of Investigation under Subsection (b-1)(1). Criminal

1 history record information obtained by the executive commissioner
2 of the commission, or by the executive commissioner's designee,
3 under Subsection (b-1)(2) [~~(b)~~] may not be released or disclosed,
4 except:

- 5 (1) if the information is in a public record at the
6 time the information is obtained;
- 7 (2) on court order;
- 8 (3) to a criminal justice agency, upon request;
- 9 (4) with the consent of the person who is the subject
10 of the criminal history record information; or
- 11 (5) as provided by Subsection (d).

12 (d) The commission is not prohibited from disclosing
13 criminal history record information obtained under Subsection
14 (b-1)(2) [~~(b)~~] in a criminal proceeding or in a hearing conducted by
15 the commission.

16 (e) The executive commissioner shall destroy all criminal
17 history record information obtained under this section [~~Subsection~~
18 ~~(b)~~] as soon as practicable after the information is used for its
19 authorized purpose.

20 (f) This section does not prohibit the commission from
21 obtaining and using criminal history record information as provided
22 by other law.

23 SECTION 30. Section [411.1131](#), Government Code, is amended
24 to read as follows:

25 Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD
26 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health
27 and Human Services Commission is entitled to obtain [~~from the~~

1 ~~department]~~ criminal history record information as provided by
2 Subsection (a-1) [maintained by the department] that relates to a
3 person required to be fingerprinted who is an applicant for a staff
4 position at an outdoor training program for children who are deaf or
5 hard of hearing conducted by a private entity through a contract
6 with the Health and Human Services Commission in accordance with
7 Section 81.013, Human Resources Code.

8 (a-1) Subject to Section 411.087 and consistent with the
9 public policy of this state, the Health and Human Services
10 Commission is entitled to:

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

14 (2) obtain from the department or any other criminal
15 justice agency in this state criminal history record information
16 maintained by the department or that criminal justice agency that
17 relates to a person described by Subsection (a).

18 (b) Criminal history record information obtained by the
19 Health and Human Services Commission under Subsection (a-1) [~~(a)~~]
20 may be used only to evaluate an applicant for a staff position at an
21 outdoor training program for children who are deaf or hard of
22 hearing. The Health and Human Services Commission may release or
23 disclose the information obtained under Subsection (a-1)(2) to a
24 private entity described by Subsection (a) for that purpose.

25 (c) The Health and Human Services Commission may not release
26 or disclose to any person criminal history record information
27 obtained from the Federal Bureau of Investigation under Subsection

1 (a-1)(1). The Health and Human Services Commission may not release
2 or disclose information obtained under Subsection (a-1)(2) [~~(a)~~],
3 except as described by Subsection (b), on court order, or with the
4 consent of the person who is the subject of the criminal history
5 record information.

6 (d) The Health and Human Services Commission [~~and~~] shall
7 destroy all criminal history record information obtained under
8 Subsection (a-1) [~~(a)~~] after the information is used for its
9 authorized purpose.

10 (e) This section does not prohibit the Health and Human
11 Services Commission from obtaining and using criminal history
12 record information as provided by other law.

13 SECTION 31. Section 411.114(a), Government Code, is amended
14 by amending Subdivisions (2), (3), (4), (6), and (7) and adding
15 Subdivision (4-a) to read as follows:

16 (2) The Department of Family and Protective Services
17 or the Health and Human Services Commission, as applicable, shall
18 obtain [~~from the department~~] criminal history record information as
19 provided by Subdivision (4) [~~maintained by the department~~] that
20 relates to a person who is:

21 (A) an applicant for a license, registration,
22 certification, or listing under Chapter 42, Human Resources Code;

23 (B) an owner, operator, or employee of or an
24 applicant for employment by a child-care facility, child-placing
25 agency, or family home licensed, registered, certified, or listed
26 under Chapter 42, Human Resources Code;

27 (C) a person 14 years of age or older who will be

1 regularly or frequently working or staying in a facility or family
2 home, other than a child in the care of the home or facility;

3 (D) an applicant selected for a position with the
4 Department of Family and Protective Services or the Health and
5 Human Services Commission, the duties of which include direct
6 delivery of protective services to children, elderly persons, or
7 persons with a disability;

8 (E) an employee of, an applicant for employment
9 with, or a volunteer or an applicant volunteer with a business
10 entity or person who [~~that~~] contracts with the Department of Family
11 and Protective Services or the Health and Human Services Commission
12 to provide direct delivery of protective services to children,
13 elderly persons, or persons with a disability, if the person's
14 duties or responsibilities include direct contact with children,
15 elderly persons, or persons with a disability;

16 (F) a registered volunteer with the Department of
17 Family and Protective Services or the Health and Human Services
18 Commission;

19 (G) a person providing or applying to provide
20 in-home, adoptive, or foster care for children in the care of the
21 Department of Family and Protective Services or the Health and
22 Human Services Commission and other persons living in the residence
23 in which the child will reside;

24 (H) a Department of Family and Protective
25 Services employee or a Health and Human Services Commission
26 employee who is engaged in the direct delivery of protective
27 services to children, elderly persons, or persons with a

1 disability;

2 (I) an alleged perpetrator in a report the
3 Department of Family and Protective Services or the Health and
4 Human Services Commission receives alleging that the person has
5 abused, neglected, or exploited a child, an elderly person, or a
6 person with a disability, provided that:

7 (i) the report alleges the person has
8 engaged in conduct that meets the applicable definition of abuse,
9 neglect, or exploitation under Chapter 261, Family Code, or Chapter
10 48, Human Resources Code; and

11 (ii) the person is not also the victim of
12 the alleged conduct;

13 (J) a person providing child care for a child who
14 is in the care of the Department of Family and Protective Services
15 or the Health and Human Services Commission and who is or will be
16 receiving adoptive, foster, or in-home care;

17 (K) through a contract with a nonprofit
18 management center, an employee of, an applicant for employment
19 with, or a volunteer or an applicant volunteer with a nonprofit,
20 tax-exempt organization that provides any service that involves the
21 care of or access to a child, an elderly person, or a person with a
22 disability; or

23 (L) an applicant for a child-care administrator
24 or child-placing agency administrator license under Chapter 43,
25 Human Resources Code.

26 (3) In addition to the criminal history record
27 information the Department of Family and Protective Services or the

1 Health and Human Services Commission is required to obtain under
2 Subdivision (2), the Department of Family and Protective Services
3 or the Health and Human Services Commission, as applicable, is
4 entitled to obtain [~~from the department~~] criminal history record
5 information as provided by Subdivision (4) [~~maintained by the~~
6 ~~department~~] that relates to a person who is:

7 (A) an applicant for a position with the
8 Department of Family and Protective Services or the Health and
9 Human Services Commission regardless of the duties of the position,
10 including a position described by Subdivision (2)(D);

11 (B) a Department of Family and Protective
12 Services employee or a Health and Human Services Commission
13 employee regardless of the duties of the employee's position,
14 including an employee described by Subdivision (2)(H);

15 (C) a volunteer or applicant volunteer with the
16 Department of Family and Protective Services or the Health and
17 Human Services Commission regardless of the duties to be performed,
18 including a registered volunteer;

19 (D) an employee of, an applicant for employment
20 with, or a volunteer or an applicant volunteer with an entity or
21 person who [~~that~~] contracts with the Department of Family and
22 Protective Services or the Health and Human Services Commission, as
23 applicable, and has access to confidential information in that
24 department's or commission's records, if the employee, applicant,
25 volunteer, or applicant volunteer has or will have access to that
26 confidential information;

27 (E) a person living in the residence in which the

1 alleged victim of the report resides, including an alleged
2 perpetrator in a report described by Subdivision (2)(I);

3 (F) a person providing, at the request of the
4 child's parent, in-home care for a child who is the subject of a
5 report alleging the child has been abused or neglected;

6 (G) a person providing, at the request of the
7 child's parent, in-home care for a child only if the person gives
8 written consent to the release and disclosure of the information;

9 (H) a child who is related to the caretaker, as
10 determined under Section 42.002, Human Resources Code, or any other
11 person who resides in, is present in, or has unsupervised access to
12 a child in the care of a facility or family home;

13 (I) a relative of a child in the care of the
14 Department of Family and Protective Services or the Health and
15 Human Services Commission, as applicable, to the extent necessary
16 to comply with Section 162.007, Family Code;

17 (J) a person providing or applying to provide
18 in-home, adoptive, or foster care for children to the extent
19 necessary to comply with Subchapter B, Chapter 162, Family Code;

20 (K) a person who volunteers to supervise
21 visitation under Subchapter B, Chapter 263, Family Code;

22 (L) an employee of or volunteer at, or an
23 applicant for employment with or to be a volunteer at, an entity
24 that provides supervised independent living services to a young
25 adult receiving extended foster care services from the Department
26 of Family and Protective Services or the Health and Human Services
27 Commission, as applicable;

1 (M) a person 14 years of age or older who will be
2 regularly or frequently working or staying in a host home that is
3 providing supervised independent living services to a young adult
4 receiving extended foster care services from the Department of
5 Family and Protective Services or the Health and Human Services
6 Commission, as applicable;

7 (N) a volunteer or applicant volunteer with a
8 local affiliate in this state of Big Brothers Big Sisters of
9 America;

10 (O) a volunteer or applicant volunteer with an
11 organization that provides court-appointed volunteer advocates for
12 abused or neglected children; or

13 (P) an employee, volunteer, or applicant
14 volunteer of a children's advocacy center under Subchapter E,
15 Chapter 264, Family Code, including a member of the governing board
16 of a center.

17 (4) Subject to Section 411.087 and consistent with the
18 public policy of this state, the Department of Family and
19 Protective Services and the Health and Human Services Commission
20 are entitled to:

21 (A) obtain through the Federal Bureau of
22 Investigation criminal history record information maintained or
23 indexed by that bureau that pertains to a person required to be
24 fingerprinted who is described by Subdivision (2) or (3); and

25 (B) obtain from the department or any other
26 criminal justice agency in this state criminal history record
27 information maintained by the department or that criminal justice

1 agency that relates to a person described by Subdivision (2) or (3).

2 (4-a) Law enforcement entities shall expedite the
3 furnishing of criminal history record [~~such~~] information obtained
4 under Subdivision (4)(B) to Department of Family and Protective
5 Services workers or Health and Human Services Commission workers,
6 as applicable, to ensure prompt criminal background checks for the
7 safety of alleged victims and Department of Family and Protective
8 Services workers or Health and Human Services Commission workers,
9 as applicable.

10 (6) The Department of Family and Protective Services
11 or the Health and Human Services Commission, as applicable, may not
12 release or disclose to any person criminal history record
13 information obtained from the Federal Bureau of Investigation under
14 Subdivision (4)(A). Criminal history record information obtained
15 by the Department of Family and Protective Services or the Health
16 and Human Services Commission under Subdivision (4)(B) [~~this~~
17 ~~subsection~~] may not be released to any person except:

18 (A) on court order;

19 (B) with the consent of the person who is the
20 subject of the criminal history record information;

21 (C) for purposes of an administrative hearing
22 held by the Department of Family and Protective Services or the
23 Health and Human Services Commission, as applicable, concerning the
24 person who is the subject of the criminal history record
25 information; or

26 (D) as provided by Subdivision (7).

27 (7) Subject to Subdivision (8), the Department of

1 Family and Protective Services or the Health and Human Services
2 Commission, as applicable, is not prohibited from releasing
3 criminal history record information obtained under Subdivision
4 (4)(B) [~~this subsection~~] to:

5 (A) the person who is the subject of the criminal
6 history record information;

7 (B) a child-placing agency listed in Subdivision
8 (2) that is seeking to verify or approve a foster or adoptive home
9 under procedures authorized by federal law;

10 (C) an adult who resides with an alleged victim
11 of abuse, neglect, or exploitation of a child, elderly person, or
12 person with a disability and who also resides with the alleged
13 perpetrator of that abuse, neglect, or exploitation if:

14 (i) the alleged perpetrator is the subject
15 of the criminal history record information; and

16 (ii) the Department of Family and
17 Protective Services or the Health and Human Services Commission, as
18 applicable, determines that the release of information to the adult
19 is necessary to ensure the safety or welfare of the alleged victim
20 or the adult; or

21 (D) an elderly person or a person with a
22 disability who is an alleged victim of abuse, neglect, or
23 exploitation and who resides with the alleged perpetrator of that
24 abuse, neglect, or exploitation if:

25 (i) the alleged perpetrator is the subject
26 of the criminal history record information; and

27 (ii) the Department of Family and

1 Protective Services or the Health and Human Services Commission, as
2 applicable, determines that the release of information to the
3 person is necessary to ensure the safety or welfare of the person.

4 SECTION 32. Section [411.1142](#), Government Code, is amended
5 by amending Subsections (a), (b), and (d) and adding Subsections
6 (a-1) and (f) to read as follows:

7 (a) The Early Childhood Intervention program within the
8 Health and Human Services Commission, as established by Chapter 73,
9 Human Resources Code, is entitled to obtain criminal history record
10 information as provided by Subsection (a-1) [~~maintained by the~~
11 ~~Department of Public Safety, the Federal Bureau of Investigation~~
12 ~~identification division, or another law enforcement agency]~~ that
13 relates to a person:

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

17 (2) [~~positions~~] whose employment or potential
18 employment or volunteer position with the program or a local
19 provider involves the delivery of early childhood intervention
20 services or involves direct interactions with or the opportunity to
21 interact and associate with children.

22 (a-1) Subject to Section [411.087](#) and consistent with the
23 public policy of this state, the Health and Human Services
24 Commission is entitled to:

25 (1) obtain through the Federal Bureau of Investigation
26 criminal history record information maintained or indexed by that
27 bureau that pertains to a person required to be fingerprinted who is

1 described by Subsection (a); and
2 (2) obtain from the department or any other criminal
3 justice agency in this state criminal history record information
4 maintained by the department or that criminal justice agency that
5 relates to a person described by Subsection (a).

6 (b) The Health and Human Services Commission may not release
7 or disclose to any person criminal history record information
8 obtained from the Federal Bureau of Investigation under Subsection
9 (a-1)(1). Criminal history record information obtained by the
10 Health and Human Services Commission under Subsection (a-1)(2)
11 ~~[(a)]~~ may not be released or disclosed to any person except:

- 12 (1) on court order;
13 (2) [✓] with the consent of the person who is the
14 subject of the criminal history record information; [✓] or
15 (3) as provided by Subsection (d).

16 (d) The Health and Human Services Commission may provide the
17 applicant, employee, professional consultant, or volunteer with a
18 copy of the person's criminal history record information obtained
19 from the Department of Public Safety [~~✓~~, ~~Federal Bureau of~~
20 ~~Investigation identification division,~~] or another law enforcement
21 agency under Subsection (a-1)(2).

22 (f) The Health and Human Services Commission shall destroy
23 criminal history record information that is obtained under this
24 section after the information is used for its authorized purpose.

25 SECTION 33. Section 411.1143, Government Code, is amended
26 by amending Subsections (a), (a-1), and (b) and adding Subsections
27 (a-2), (c), and (d) to read as follows:

1 (a) The Health and Human Services Commission, an agency
2 operating part of the medical assistance program under Chapter 32,
3 Human Resources Code, or the office of inspector general
4 established under Chapter 531, Government Code, is entitled to
5 obtain ~~[from the department the]~~ criminal history record
6 information as provided by Subsection (a-2) ~~[maintained by the~~
7 ~~department]~~ that relates to a provider under the medical assistance
8 program or a person applying to enroll as a provider under the
9 medical assistance program.

10 (a-1) Criminal history record information the Health and
11 Human Services Commission ~~[an agency]~~ or the office of inspector
12 general is authorized to obtain under Subsection (a) includes
13 criminal history record information relating to:

14 (1) a person with a direct or indirect ownership or
15 control interest, as defined by 42 C.F.R. Section 455.101, in a
16 provider of five percent or more; and

17 (2) a person whose information is required to be
18 disclosed in accordance with 42 C.F.R. Part 1001.

19 (a-2) Subject to Section 411.087 and consistent with the
20 public policy of this state, the Health and Human Services
21 Commission and the office of inspector general are entitled to:

22 (1) obtain through the Federal Bureau of Investigation
23 criminal history record information maintained or indexed by that
24 bureau that pertains to a person required to be fingerprinted who is
25 described by Subsection (a) or (a-1); and

26 (2) obtain from the department or any other criminal
27 justice agency in this state criminal history record information

1 maintained by the department or that criminal justice agency that
2 relates to a person described by Subsection (a) or (a-1).

3 (b) The Health and Human Services Commission or the office
4 of inspector general may not release or disclose to any person
5 criminal history record information obtained from the Federal
6 Bureau of Investigation under Subsection (a-2)(1). Criminal
7 history record information obtained by the Health and Human
8 Services Commission or the office of inspector general [~~commission~~
9 ~~or an agency~~] under Subsection (a-2)(2) [~~(a)~~] may not be released or
10 disclosed to any person except in a criminal proceeding, in an
11 administrative proceeding, on court order, or with the consent of
12 the provider or applicant.

13 (c) This section does not prohibit the Health and Human
14 Services Commission or the office of inspector general from
15 obtaining and using criminal history record information as provided
16 by other law.

17 (d) The Health and Human Services Commission and the office
18 of inspector general shall destroy criminal history record
19 information obtained under this section after the information is
20 used for its authorized purpose.

21 SECTION 34. Section 411.1144, Government Code, is amended
22 to read as follows:

23 Sec. 411.1144. ACCESS TO CRIMINAL HISTORY RECORD
24 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND [~~AGENCIES~~
25 ~~WITH~~] EMPLOYEES, CONTRACTORS, OR VOLUNTEERS AT STATE SUPPORTED
26 LIVING CENTERS. (a) The [~~Department of State Health Services and~~
27 ~~the~~] Health and Human Services Commission is [~~are~~] entitled to

1 obtain [~~from the department~~] criminal history record information as
2 provided by Subsection (d) [maintained by the department] that
3 relates to a person required to be fingerprinted:

4 (1) who is:

5 (A) an applicant for employment with the Health
6 and Human Services Commission [agency];

7 (B) an employee of the Health and Human Services
8 Commission [agency];

9 (C) a volunteer with the Health and Human
10 Services Commission [agency];

11 (D) an applicant for a volunteer position with
12 the Health and Human Services Commission [agency];

13 (E) an applicant for a contract with the Health
14 and Human Services Commission [agency]; or

15 (F) a contractor of the Health and Human Services
16 Commission [agency]; and

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

20 (b) The commission may not release or disclose to any person
21 criminal history record information obtained from the Federal
22 Bureau of Investigation under Subsection (d)(1). Criminal history
23 record information obtained by the Health and Human Services
24 Commission [an agency] under Subsection (d)(2) [a] may not be
25 released or disclosed to any person except:

26 (1) on court order;

27 (2) with the consent of the person who is the subject

1 of the criminal history record information;

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

5 (4) as provided by Subsection (c).

6 (c) The Health and Human Services Commission is prohibited
7 from releasing criminal history record information obtained under
8 Subsection (d)(1) to the person who is the subject of the criminal
9 history record information. The Health and Human Services
10 Commission [~~An agency~~] is not prohibited from releasing criminal
11 history record information obtained under Subsection (d)(2) [~~(a) or~~
12 ~~(d)~~] to the person who is the subject of the criminal history record
13 information.

14 (d) Subject to Section 411.087 and consistent with the
15 public policy of this state, the [~~Department of State Health~~
16 ~~Services and the~~] Health and Human Services Commission is [~~are~~]
17 entitled to:

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

21 (2) obtain from the department or any other criminal
22 justice agency in this state criminal history record information
23 maintained by the department or that criminal justice agency that
24 relates to a person described by Subsection (a).

25 (e) This section does not prohibit the Health and Human
26 Services Commission [~~an agency~~] from obtaining and using criminal
27 history record information as provided by other law.

1 (f) The Health and Human Services Commission shall destroy
2 criminal history record information obtained under this section
3 after the information is used for its authorized purpose.

4 SECTION 35. Section 411.115, Government Code, is amended by
5 amending Subsections (b), (d), and (e) and adding Subsections (c)
6 and (f) to read as follows:

7 (b) The Department of State Health Services, the Health and
8 Human Services Commission, a local mental health or intellectual
9 and developmental disability authority, or a community center, as
10 applicable, is entitled to obtain [~~from the department~~] criminal
11 history record information as provided by Subsection (c)
12 [~~maintained by the department~~] that relates to a person:

13 (1) who is:

14 (A) an applicant for employment with the
15 Department of State Health Services, the Health and Human Services
16 Commission, a local mental health or intellectual and developmental
17 disability authority, or a community center;

18 (B) an employee of the Department of State Health
19 Services, the Health and Human Services Commission, a local mental
20 health or intellectual and developmental disability authority, or a
21 community center;

22 (C) an applicant for employment with or an
23 employee of a business or person who [~~that~~] contracts with the
24 Department of State Health Services, the Health and Human Services
25 Commission, a local mental health or intellectual and developmental
26 disability authority, or a community center to provide residential
27 services to patients with mental illness or clients with an

1 intellectual or developmental disability who were furloughed or
2 discharged from a Department of State Health Services facility, a
3 Health and Human Services Commission facility, or a community
4 center, as applicable;

5 (D) a volunteer with the Department of State
6 Health Services, the Health and Human Services Commission, a local
7 mental health or intellectual and developmental disability
8 authority, or a community center; or

9 (E) a volunteer applicant; and

10 (2) who would be placed in direct contact with
11 patients with mental illness or clients with an intellectual or
12 developmental disability.

13 (c) Subject to Section 411.087 and consistent with the
14 public policy of this state, the Department of State Health
15 Services, the Health and Human Services Commission, a local mental
16 health or intellectual and developmental disability authority, or a
17 community center, as applicable, is entitled to:

18 (1) obtain through the Federal Bureau of Investigation
19 criminal history record information maintained or indexed by that
20 bureau that pertains to a person required to be fingerprinted who is
21 described Subsection (b); and

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

26 (d) The Department of State Health Services, the Health and
27 Human Services Commission, a local mental health or intellectual

1 and developmental disability authority, or a community center, as
2 applicable, may not release or disclose to any person criminal
3 history record information obtained from the Federal Bureau of
4 Investigation under Subsection (c)(1). Criminal history record
5 information obtained by the Department of State Health Services,
6 the Health and Human Services Commission, a local mental health or
7 intellectual and developmental disability authority, or a
8 community center, as applicable, under Subsection (c)(2) ~~[(b)]~~ may
9 not be released or disclosed to a person, other than the contractor
10 that employs the person who is the subject of the criminal history
11 record information, except on court order or with the consent of the
12 person who is the subject of the criminal history record
13 information.

14 (e) The Department of State Health Services, the Health and
15 Human Services Commission, a local mental health or intellectual
16 and developmental disability authority, or a community center, as
17 applicable, shall ~~[collect and]~~ destroy criminal history record
18 information obtained under this section after the information is
19 used for its authorized purpose ~~[that relates to a person~~
20 ~~immediately after making an employment decision or taking a~~
21 ~~personnel action relating to the person who is the subject of the~~
22 ~~criminal history record information]~~.

23 (f) This section does not prohibit the Department of State
24 Health Services, the Health and Human Services Commission, a local
25 mental health or intellectual and developmental disability
26 authority, or a community center, as applicable, from obtaining and
27 using criminal history record information as provided by other law.

1 SECTION 36. Subchapter F, Chapter 411, Government Code, is
2 amended by adding Section 411.1161 to read as follows:

3 Sec. 411.1161. ACCESS TO CRIMINAL HISTORY RECORD
4 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND NURSE AIDE
5 CERTIFICATION, MEDICATION AIDE PERMIT, AND NURSING FACILITY
6 ADMINISTRATOR LICENSE. (a) The Health and Human Services
7 Commission is entitled to obtain criminal history record
8 information as provided by Subsection (b) that relates to a person
9 required to be fingerprinted who is an initial or renewal applicant
10 for:

11 (1) a nurse aide certification with inclusion in the
12 nurse aide registry established under Chapter 250, Health and
13 Safety Code;

14 (2) a medication aide permit issued under Chapter 142,
15 Health and Safety Code; or

16 (3) a nursing facility administrator license issued
17 under Chapter 242, Health and Safety Code.

18 (b) Subject to Section 411.087 and consistent with the
19 public policy of this state, the Health and Human Services
20 Commission is entitled to:

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

24 (2) obtain from the department or any other criminal
25 justice agency in this state criminal history record information
26 maintained by the department or that criminal justice agency that
27 relates to a person described by Subsection (a).

1 (c) The Health and Human Services Commission may not release
2 or disclose to any person criminal history record information
3 obtained from the Federal Bureau of Investigation under Subsection
4 (b)(1). Criminal history record information obtained by the Health
5 and Human Services Commission under Subsection (b)(2) may not be
6 released or disclosed to any person except:

7 (1) on court order;

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

10 (3) for purposes of an administrative hearing held by
11 the Health and Human Services Commission concerning the person who
12 is the subject of the criminal history record information; or

13 (4) as provided by Subsection (d).

14 (d) The Health and Human Services Commission is not
15 prohibited from releasing criminal history record information
16 obtained under Subsection (b)(2) to the person who is the subject of
17 the criminal history record information.

18 (e) This section does not prohibit the Health and Human
19 Services Commission from obtaining and using criminal history
20 record information as provided by other law.

21 (f) The Health and Human Services Commission shall destroy
22 criminal history record information that is obtained under this
23 section after the information is used for its authorized purpose.

24 SECTION 37. Section 411.122(d), Government Code, as amended
25 by Chapters 684 (S.B. 2200), 768 (H.B. 1501), and 1232 (H.B. 1523),
26 Acts of the 86th Legislature, Regular Session, 2019, is reenacted
27 to read as follows:

1 (d) The following state agencies are subject to this
2 section:

3 (1) Texas Appraiser Licensing and Certification
4 Board;

5 (2) Texas Board of Architectural Examiners;

6 (3) Texas Board of Chiropractic Examiners;

7 (4) State Board of Dental Examiners;

8 (5) Texas Board of Professional Engineers and Land
9 Surveyors;

10 (6) Texas Funeral Service Commission;

11 (7) Texas Board of Professional Geoscientists;

12 (8) Health and Human Services Commission, except as
13 provided by Section 411.110, and agencies attached to the
14 commission;

15 (9) Texas Department of Licensing and Regulation,
16 except as provided by Section 411.093;

17 (10) Texas Commission on Environmental Quality;

18 (11) Executive Council [~~Texas Board~~] of Physical
19 Therapy and Occupational Therapy Examiners;

20 (12) Texas Optometry Board;

21 (13) Texas State Board of Pharmacy;

22 (14) [~~Texas Board of Physical Therapy Examiners,~~

23 [~~15~~] Texas State Board of Plumbing Examiners;

24 15 [~~16~~] Texas State Board of Examiners of
25 Psychologists;

26 16 [~~17~~] Texas Real Estate Commission;

27 17 [~~18~~] Texas Department of Transportation;

- 1 (18) [~~(19)~~] State Board of Veterinary Medical
2 Examiners;
3 (19) [~~(20)~~] Texas Department of Housing and Community
4 Affairs;
5 (20) [~~(21)~~] secretary of state;
6 (21) [~~(22)~~] state fire marshal;
7 (22) [~~(23)~~] Texas Education Agency;
8 (23) [~~(24)~~] Department of Agriculture; and
9 (24) [~~(25)~~] Texas Department of Motor Vehicles.

10 SECTION 38. Section 411.125, Government Code, is amended to
11 read as follows:

12 Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: TEXAS BOARD OF NURSING. (a) The Texas Board of
14 Nursing is entitled to obtain [~~from the department~~] criminal
15 history record information as provided by Subsection (b)
16 [~~maintained by the department~~] that relates to a person who:

17 (1) is an applicant for vocational, registered, or
18 advanced practice registered nurse licensure, or the holder of a
19 license issued by the board;

20 (2) has requested a determination of eligibility for a
21 license from the board; [~~or~~]

22 (3) is subject to investigation by the board in
23 connection with a complaint or formal charge against the person; or

24 (4) is accepted for enrollment in a nursing education
25 program that prepares the person for licensure as a vocational,
26 registered, or advanced practice registered nurse.

27 (b) Subject to Section 411.087 and consistent with the

1 public policy of this state, the Texas Board of Nursing is entitled
2 to:

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

6 (2) obtain from the department or any other criminal
7 justice agency in this state criminal history record information
8 maintained by the department or that criminal justice agency that
9 relates to a person described by Subsection (a).

10 (c) The Texas Board of Nursing may not release or disclose
11 to any person criminal history record information obtained from the
12 Federal Bureau of Investigation under Subsection (b)(1). Criminal
13 history record information obtained by the Texas Board of Nursing
14 under Subsection (b)(2) may not be released or disclosed to any
15 person except:

16 (1) as required under a court order;

17 (2) to a nursing board that is a member of the nurse
18 licensure compact under Chapter 304, Occupations Code;

19 (3) with the written consent of the person or entity
20 that is the subject of the criminal history record information; or

21 (4) as provided by Subsection (d).

22 (d) The Texas Board of Nursing is not prohibited from
23 disclosing criminal history record information obtained under
24 Subsection (b)(2) in a criminal proceeding, in a contested case
25 proceeding conducted by the State Office of Administrative
26 Hearings, or as part of an appeal of a contested case proceeding.

27 (e) Criminal history record information obtained by the

1 Texas Board of Nursing shall be destroyed by the agency after a
2 final determination is made and all appeals are concluded in the
3 matter for which the information was obtained.

4 SECTION 39. Subchapter F, Chapter 411, Government Code, is
5 amended by adding Section 411.12501 to read as follows:

6 Sec. 411.12501. ACCESS TO CRIMINAL HISTORY RECORD
7 INFORMATION OF FEDERAL BUREAU OF INVESTIGATION: TEXAS ALCOHOLIC
8 BEVERAGE COMMISSION. (a) Subject to Section 411.087 and Public Law
9 92-544, the Texas Alcoholic Beverage Commission is authorized to
10 obtain and use criminal history record information maintained or
11 indexed by the Federal Bureau of Investigation that relates to a
12 person who is an applicant for or holds a license, permit, or
13 certificate under the Texas Alcoholic Beverage Code.

14 (b) Criminal history record information obtained by the
15 commission under this section may only be released or disclosed as
16 provided by Section 411.084(b).

17 (c) This section does not limit the commission's ability to
18 obtain criminal history record information for criminal justice
19 purposes or as authorized by other law.

20 (d) The commission may require any person for whom the
21 commission is authorized to obtain and use criminal history record
22 information under Subsection (a) to submit a complete and legible
23 set of fingerprints to the commission on a form prescribed by the
24 commission for the purpose of obtaining criminal history record
25 information.

26 SECTION 40. Subchapter F, Chapter 411, Government Code, is
27 amended by adding Section 411.12502 to read as follows:

1 Sec. 411.12502. ACCESS TO CRIMINAL HISTORY RECORD
2 INFORMATION: TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. (a) The
3 Texas Behavioral Health Executive Council is entitled to obtain
4 criminal history record information as provided by Subsection (b)
5 that relates to a person who is an applicant for or licensed as:

6 (1) a licensed psychologist, licensed psychological
7 associate, or licensed specialist in school psychology under
8 Chapter 501, Occupations Code;

9 (2) a licensed marriage and family therapist or
10 licensed marriage and family therapist associate under Chapter 502,
11 Occupations Code;

12 (3) a licensed professional counselor or licensed
13 professional counselor associate under Chapter 503, Occupations
14 Code; or

15 (4) a licensed baccalaureate social worker, licensed
16 master social worker, or licensed clinical social worker under
17 Chapter 505, Occupations Code.

18 (b) Subject to Section 411.087 and consistent with the
19 public policy of this state, the Texas Behavioral Health Executive
20 Council is entitled to:

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

24 (2) obtain from the department or any other criminal
25 justice agency in this state criminal history record information
26 maintained by the department or that criminal justice agency that
27 relates to a person described by Subsection (a).

1 (c) The Texas Behavioral Health Executive Council may not
2 release or disclose to any person criminal history record
3 information obtained from the Federal Bureau of Investigation under
4 Subsection (b)(1). Criminal history record information obtained by
5 the executive council under Subsection (b)(2) may not be released
6 or disclosed to any person except on court order, with the written
7 consent of the person who is the subject of the criminal history
8 record information, or as provided by Subsection (d).

9 (d) The Texas Behavioral Health Executive Council is not
10 prohibited from disclosing criminal history record information
11 obtained under Subsection (b)(2) in a criminal proceeding or in a
12 hearing conducted by the executive council or State Office of
13 Administrative Hearings.

14 (e) The Texas Behavioral Health Executive Council shall
15 destroy criminal history record information that is obtained under
16 this section after the information is used for its authorized
17 purpose.

18 SECTION 41. Subchapter F, Chapter 411, Government Code, is
19 amended by adding Section 411.12503 to read as follows:

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

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

27 (2) the holder of a license or registration under

1 Chapter 201, Occupations Code.

2 (b) Subject to Section 411.087 and consistent with the
3 public policy of this state, the Texas Board of Chiropractic
4 Examiners is entitled to:

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

8 (2) obtain from the department or any other criminal
9 justice agency in this state criminal history record information
10 maintained by the department or that criminal justice agency that
11 relates to a person described by Subsection (a).

12 (c) The Texas Board of Chiropractic Examiners may not
13 release or disclose to any person criminal history record
14 information obtained from the Federal Bureau of Investigation under
15 Subsection (b)(1). Criminal history record information obtained by
16 the Texas Board of Chiropractic Examiners under Subsection (b)(2)
17 may not be released or disclosed to any person except on court
18 order, with the written consent of the person who is the subject of
19 the criminal history record information, or as provided by
20 Subsection (d).

21 (d) The Texas Board of Chiropractic Examiners is not
22 prohibited from disclosing criminal history record information
23 obtained under Subsection (b)(2) in a criminal proceeding or in a
24 hearing conducted under the authority of the Texas Board of
25 Chiropractic Examiners.

26 (e) The Texas Board of Chiropractic Examiners shall destroy
27 criminal history record information that is obtained under this

1 section after the information is used for its authorized purpose.

2 SECTION 42. Subchapter F, Chapter 411, Government Code, is
3 amended by adding Section 411.12504 to read as follows:

4 Sec. 411.12504. ACCESS TO CRIMINAL HISTORY RECORD
5 INFORMATION: STATE BOARD OF DENTAL EXAMINERS. (a) The State Board
6 of Dental Examiners is entitled to obtain criminal history record
7 information as provided by Subsection (b) that relates to a person
8 who:

9 (1) is an applicant for a license, certificate,
10 registration, permit, or other authorization under Subtitle D,
11 Title 3, Occupations Code;

12 (2) is the holder of a license, certificate,
13 registration, permit, or other authorization under that subtitle;

14 (3) requests a determination of eligibility for a
15 license, certificate, registration, permit, or other authorization
16 from the State Board of Dental Examiners; or

17 (4) is an applicant for employment at or current
18 employee of the State Board of Dental Examiners.

19 (b) Subject to Section 411.087 and consistent with the
20 public policy of this state, the State Board of Dental Examiners is
21 entitled to:

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

25 (2) obtain from the department or any other criminal
26 justice agency in this state criminal history record information
27 maintained by the department or that criminal justice agency that

1 relates to a person described by Subsection (a).

2 (c) The State Board of Dental Examiners may not release or
3 disclose to any person criminal history record information obtained
4 from the Federal Bureau of Investigation under Subsection (b)(1).
5 Criminal history record information obtained by the State Board of
6 Dental Examiners under Subsection (b)(2) may not be released or
7 disclosed to any person except on court order, with the written
8 consent of the person who is the subject of the criminal history
9 record information, or as provided by Subsection (d).

10 (d) The State Board of Dental Examiners is not prohibited
11 from disclosing criminal history record information obtained under
12 Subsection (b)(2) in a criminal proceeding or in a hearing
13 conducted by the State Board of Dental Examiners or State Office of
14 Administrative Hearings.

15 (e) The State Board of Dental Examiners shall destroy
16 criminal history record information obtained under this section
17 after a final determination is made in the matter for which the
18 information was obtained.

19 SECTION 43. Subchapter F, Chapter 411, Government Code, is
20 amended by adding Section 411.12505 to read as follows:

21 Sec. 411.12505. ACCESS TO CRIMINAL HISTORY RECORD
22 INFORMATION: QUALIFIED SCHOOL CONTRACTORS. (a) In this section,
23 "qualified school contractor" means an entity that:

24 (1) contracts or subcontracts to provide services to a
25 school district, charter school, or shared services arrangement;
26 and

27 (2) is determined eligible by the department to obtain

1 criminal history record information under the National Child
2 Protection Act of 1993 (34 U.S.C. Section 40101 et seq.) for an
3 employee, applicant for employment, or volunteer of the qualified
4 school contractor.

5 (b) Subject to Section 411.087 and consistent with the
6 public policy of this state, a qualified school contractor is
7 entitled to:

8 (1) obtain through the Federal Bureau of Investigation
9 criminal history record information maintained or indexed by that
10 bureau that pertains to a person described by Subsection (a)(2);
11 and

12 (2) obtain from the department or any other criminal
13 justice agency in this state criminal history record information
14 maintained by the department or that criminal justice agency that
15 relates to a person described by Subsection (a)(2).

16 (c) A qualified school contractor may not release or
17 disclose to any person criminal history record information obtained
18 from the Federal Bureau of Investigation under Subsection (b)(1).
19 Criminal history record information obtained by a qualified school
20 contractor under Subsection (b)(2) in the original form or any
21 subsequent form:

22 (1) may not be released to any person except:

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

25 (B) by court order; or

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

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

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

7 (e) A qualified school contractor shall destroy criminal
8 history record information that is obtained under this section
9 after the information is used for its authorized purpose.

10 (f) The department in coordination with the commissioner of
11 education may adopt rules necessary to implement this section.

12 SECTION 44. Subchapter F, Chapter 411, Government Code, is
13 amended by adding Section 411.12506 to read as follows:

14 Sec. 411.12506. ACCESS TO CRIMINAL HISTORY RECORD
15 INFORMATION: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. (a) The
16 Texas Commission on Environmental Quality is entitled to obtain
17 criminal history record information as provided by Subsection (b)
18 that relates to a person who:

19 (1) is an applicant for a license, permit, or
20 registration under:

21 (A) Chapters 341, 361, and 366, Health and Safety
22 Code;

23 (B) Chapter 1903, Occupations Code; or

24 (C) Chapters 26 and 37, Water Code;

25 (2) is the holder of a license, permit, or
26 registration under a provision listed in Subdivision (1); or

27 (3) requests a determination of eligibility for a

1 license, permit, or registration from the agency under a provision
2 listed in Subdivision (1).

3 (b) Subject to Section 411.087 and consistent with the
4 public policy of this state, the Texas Commission on Environmental
5 Quality is entitled to:

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

9 (2) obtain from the department or any other criminal
10 justice agency in this state criminal history record information
11 maintained by the department or that criminal justice agency that
12 relates to a person described by Subsection (a).

13 (c) The Texas Commission on Environmental Quality may not
14 release or disclose to any person criminal history record
15 information obtained from the Federal Bureau of Investigation under
16 Subsection (b)(1). Criminal history record information obtained by
17 the Texas Commission on Environmental Quality under Subsection
18 (b)(2) may not be released or disclosed to any person except on
19 court order, with the written consent of the person who is the
20 subject of the criminal history record information, or as provided
21 by Subsection (d).

22 (d) The Texas Commission on Environmental Quality is not
23 prohibited from disclosing criminal history record information
24 obtained under Subsection (b)(2) in a criminal proceeding or in an
25 administrative proceeding conducted by the Texas Commission on
26 Environmental Quality or the State Office of Administrative
27 Hearings.

1 (e) The Texas Commission on Environmental Quality shall
2 destroy criminal history record information that is obtained under
3 this section after the information is used for its authorized
4 purpose.

5 SECTION 45. Subchapter F, Chapter 411, Government Code, is
6 amended by adding Section 411.12507 to read as follows:

7 Sec. 411.12507. ACCESS TO CRIMINAL HISTORY RECORD
8 INFORMATION: TEXAS FUNERAL SERVICE COMMISSION. (a) The Texas
9 Funeral Service Commission is entitled to obtain criminal history
10 record information as provided by Subsection (b) that relates to:

11 (1) a person who is:

12 (A) an applicant for a license or certificate
13 under Sections 651.259 and 651.302, Occupations Code; or

14 (B) the holder of a license or certificate under
15 Chapter 651, Occupations Code;

16 (2) an applicant for a license or a license holder
17 under Chapter 651, Occupations Code;

18 (3) an applicant for employment at or current employee
19 of the Texas Funeral Service Commission; or

20 (4) a person authorized to access vital records or the
21 vital records electronic registration system under Chapter 191,
22 Health and Safety Code, or a funeral director.

23 (b) Subject to Section 411.087 and consistent with the
24 public policy of this state, the Texas Funeral Service Commission
25 is entitled to:

26 (1) obtain through the Federal Bureau of Investigation
27 criminal history record information maintained or indexed by that

1 bureau that pertains to a person described by Subsection (a); and
2 (2) obtain from the department or any other criminal
3 justice agency in this state criminal history record information
4 maintained by the department or that criminal justice agency that
5 relates to a person described by Subsection (a).

6 (c) The Texas Funeral Service Commission may not release or
7 disclose to any person criminal history record information obtained
8 from the Federal Bureau of Investigation under Subsection (b)(1).
9 Criminal history record information obtained by the Texas Funeral
10 Service Commission under Subsection (b)(2) may not be released or
11 disclosed to any person except on court order, with the written
12 consent of the person who is the subject of the criminal history
13 record information, or as provided by Subsection (d).

14 (d) The Texas Funeral Service Commission is not prohibited
15 from disclosing criminal history record information obtained under
16 Subsection (b)(2) in a criminal proceeding or in a hearing
17 conducted by the Texas Funeral Service Commission.

18 (e) The Texas Funeral Service Commission may not consider
19 offenses described by Section 542.304, Transportation Code, to
20 determine whether to hire or retain an employee or to contract with
21 a person on whom criminal history record information is obtained
22 under this section.

23 (f) The Texas Funeral Service Commission shall destroy
24 criminal history record information that is obtained under this
25 section after the information is used for its authorized purpose.

26 SECTION 46. Subchapter F, Chapter 411, Government Code, is
27 amended by adding Section 411.12508 to read as follows:

1 Sec. 411.12508. ACCESS TO CRIMINAL HISTORY RECORD
2 INFORMATION: MANUFACTURED HOUSING DIVISION. (a) The manufactured
3 housing division of the Texas Department of Housing and Community
4 Affairs is entitled to obtain criminal history record information
5 as provided by Subsection (b) that relates to a person who is:

6 (1) an applicant for or holder of a license under
7 Chapter 1201, Occupations Code; or

8 (2) an owner, officer, or related person or manager of
9 a person described by Subdivision (1).

10 (b) Subject to Section 411.087 of this code and Chapter
11 1201, Occupations Code, and consistent with the public policy of
12 this state, the manufactured housing division is entitled to:

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

16 (2) obtain from the department or any other criminal
17 justice agency in this state criminal history record information
18 maintained by the department or that criminal justice agency that
19 relates to a person described by Subsection (a).

20 (c) The manufactured housing division may not release or
21 disclose to any person criminal history record information obtained
22 from the Federal Bureau of Investigation under Subsection (b)(1).
23 Criminal history record information obtained by the manufactured
24 housing division under Subsection (b)(2) may not be released or
25 disclosed to any person except on court order, with the written
26 consent of the person who is the subject of the criminal history
27 record information, or as provided by Subsection (d).

1 (d) The manufactured housing division is not prohibited
2 from disclosing criminal history record information obtained under
3 Subsection (b)(2) in a criminal proceeding or in a hearing
4 conducted by the manufactured housing division. Certified public
5 documents that contain criminal history record information
6 described by Subsection (b)(2) but that the division does not
7 obtain under that subdivision may be used in a criminal or civil
8 proceeding or in a hearing conducted by the manufactured housing
9 division.

10 (e) The manufactured housing division shall destroy
11 criminal history record information that is obtained under this
12 section after the information is used for its authorized purpose.

13 SECTION 47. Subchapter F, Chapter 411, Government Code, is
14 amended by adding Section 411.12509 to read as follows:

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

22 (b) Subject to Section 411.087 and consistent with the
23 public policy of this state, the state fire marshal is entitled to:

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

27 (2) obtain from the department or any other criminal

1 justice agency in this state criminal history record information
2 maintained by the department or that criminal justice agency that
3 relates to a person described by Subsection (a).

4 (c) The state fire marshal may not release or disclose to
5 any person criminal history record information obtained from the
6 Federal Bureau of Investigation under Subsection (b)(1). Criminal
7 history record information obtained by the state fire marshal under
8 Subsection (b)(2) may not be disclosed or released to any person
9 except on court order, with the written consent of the person who is
10 the subject of the criminal history record information, or as
11 provided by Subsection (d).

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

16 (e) The state fire marshal shall destroy criminal history
17 record information that is obtained under this section after the
18 information is used for its authorized purpose.

19 SECTION 48. Subchapter F, Chapter 411, Government Code, is
20 amended by adding Section 411.12510 to read as follows:

21 Sec. 411.12510. ACCESS TO CRIMINAL HISTORY RECORD
22 INFORMATION: TEXAS MEDICAL BOARD. (a) The Texas Medical Board is
23 entitled to obtain criminal history record information as provided
24 by Subsection (b) that relates to a person who is:

25 (1) an applicant for or holder of a license to practice
26 medicine;

27 (2) an applicant for or holder of a license to practice

- 1 as a physician assistant;
2 (3) an applicant for or holder of a license to practice
3 as an acupuncturist;
4 (4) an applicant for or holder of a certificate to
5 practice as an acudetox specialist;
6 (5) an applicant for or holder of a license to practice
7 as a surgical assistant;
8 (6) an applicant for or holder of a general
9 certificate to perform radiologic procedures, limited certificate
10 to perform radiologic procedures only on specific parts of the
11 body, or radiologist assistant certificate;
12 (7) an applicant for or holder of a placement on the
13 registry of noncertified technicians;
14 (8) an employee of an applicant for a hardship
15 exemption;
16 (9) an applicant for or holder of a license to practice
17 as a medical physicist;
18 (10) an applicant for or holder of a license to
19 practice as a perfusionist;
20 (11) an applicant for or holder of a license to
21 practice as a respiratory care practitioner; and
22 (12) an applicant for or holder of a pain management
23 clinic certificate.
24 (b) Subject to Section 411.087 and consistent with the
25 public policy of this state, the Texas Medical Board is entitled to:
26 (1) obtain through the Federal Bureau of Investigation
27 criminal history record information maintained or indexed by that

1 bureau that pertains to a person described by Subsection (a); and
2 (2) obtain from the department or any other criminal
3 justice agency in this state criminal history record information
4 maintained by the department or that criminal justice agency that
5 relates to a person described by Subsection (a).

6 (c) The Texas Medical Board may not release or disclose to
7 any person criminal history record information obtained from the
8 Federal Bureau of Investigation under Subsection (b)(1). Criminal
9 history record information obtained by the Texas Medical Board
10 under Subsection (b)(2) may not be released or disclosed to any
11 person, except as provided by Subsection (d).

12 (d) The Texas Medical Board is not prohibited from
13 disclosing criminal history record information obtained under
14 Subsection (b)(2) in a hearing conducted by the Texas Medical Board
15 or its advisory boards.

16 (e) The Texas Medical Board shall destroy criminal history
17 record information that is obtained under this section after the
18 information is used for its authorized purpose.

19 SECTION 49. Subchapter F, Chapter 411, Government Code, is
20 amended by adding Section 411.12511 to read as follows:

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

26 (1) who is an applicant for or holds a general
27 distinguishing number under Chapter 503, Transportation Code;

1 (2) who is an applicant for or holds a license under
2 Chapter 2301 or 2302, Occupations Code; or

3 (3) who is an officer, director, member, manager,
4 principal, partner, trustee, or other person acting in a
5 representative capacity for an applicant, general distinguishing
6 number holder, or license holder and whose act or omission would be
7 cause for denying, revoking, or suspending a general distinguishing
8 number or license issued under Chapter 503, Transportation Code, or
9 Chapter 2301 or 2302, Occupations Code.

10 (b) Subject to Section 411.087 and consistent with the
11 public policy of this state, the Texas Department of Motor Vehicles
12 is entitled to:

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

16 (2) obtain from the department or any other criminal
17 justice agency in this state criminal history record information
18 maintained by the department or that criminal justice agency that
19 relates to a person described by Subsection (a).

20 (c) The Texas Department of Motor Vehicles may not release
21 or disclose to any person criminal history record information
22 obtained from the Federal Bureau of Investigation under Subsection
23 (b)(1). Criminal history record information obtained by the Texas
24 Department of Motor Vehicles under Subsection (b)(2) may not be
25 released or disclosed to any person except on court order, with the
26 written consent of the person who is the subject of the criminal
27 history record information, or as provided by Subsection (d).

1 (d) The Texas Department of Motor Vehicles is not prohibited
2 from disclosing criminal history record information obtained under
3 Subsection (b)(2) in a criminal proceeding or in a hearing in which
4 the Texas Department of Motor Vehicles is a party.

5 (e) The Texas Department of Motor Vehicles shall destroy
6 criminal history record information that is obtained under this
7 section after the information is used for its authorized purpose.

8 SECTION 50. Subchapter F, Chapter 411, Government Code, is
9 amended by adding Section 411.12512 to read as follows:

10 Sec. 411.12512. ACCESS TO CRIMINAL HISTORY RECORD
11 INFORMATION: TEXAS OPTOMETRY BOARD. (a) The Texas Optometry Board
12 is entitled to obtain criminal history record information as
13 provided by Subsection (b) that relates to a person who is:

14 (1) an applicant for a license under Section 351.251,
15 Occupations Code; or

16 (2) the holder of a license under Section 351.302,
17 Occupations Code.

18 (b) Subject to Section 411.087 of this code and Sections
19 351.2525 and 351.3045, Occupations Code, and consistent with the
20 public policy of this state, the Texas Optometry Board is entitled
21 to:

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

25 (2) obtain from the department or any other criminal
26 justice agency in this state criminal history record information
27 maintained by the department or that criminal justice agency that

1 relates to a person described by Subsection (a).

2 (c) The Texas Optometry Board may not release or disclose to
3 any person criminal history record information obtained from the
4 Federal Bureau of Investigation under Subsection (b)(1). Criminal
5 history record information obtained by the Texas Optometry Board
6 under Subsection (b)(2) may not be released or disclosed to any
7 person except on court order, with the written consent of the person
8 who is the subject of the criminal history record information, or as
9 provided by Subsection (d).

10 (d) The Texas Optometry Board is not prohibited from
11 disclosing criminal history record information obtained under
12 Subsection (b)(2) in a criminal proceeding or in a hearing
13 conducted by the Texas Optometry Board.

14 (e) The Texas Optometry Board shall destroy criminal
15 history record information that is obtained under this section
16 after the information is used for its authorized purpose.

17 SECTION 51. Subchapter [F](#), Chapter [411](#), Government Code, is
18 amended by adding Section 411.12513 to read as follows:

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

25 (1) an applicant for or the holder of a physical
26 therapist or physical therapist assistant license under Chapter
27 [453](#), Occupations Code; or

1 (2) an applicant for or the holder of an occupational
2 therapist or occupational therapy assistant license under Chapter
3 454, Occupations Code.

4 (b) Subject to Section 411.087 and consistent with the
5 public policy of this state, the Executive Council of Physical
6 Therapy and Occupational Therapy Examiners is entitled to:

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

10 (2) obtain from the department or any other criminal
11 justice agency in this state criminal history record information
12 maintained by the department or that criminal justice agency that
13 relates to a person described by Subsection (a).

14 (c) The Executive Council of Physical Therapy and
15 Occupational Therapy Examiners may not release or disclose to any
16 person criminal history record information obtained from the
17 Federal Bureau of Investigation under Subsection (b)(1). Criminal
18 history record information obtained by the Executive Council of
19 Physical Therapy and Occupational Therapy Examiners under
20 Subsection (b)(2) may not be released or disclosed to any person
21 except on court order, with the written consent of the person who is
22 the subject of the criminal history record information, or as
23 provided by Subsection (d).

24 (d) The Executive Council of Physical Therapy and
25 Occupational Therapy Examiners is not prohibited from disclosing
26 criminal history record information obtained under Subsection
27 (b)(2) in a criminal proceeding or in a hearing conducted by the

1 Executive Council of Physical Therapy and Occupational Therapy
2 Examiners.

3 (e) The Executive Council of Physical Therapy and
4 Occupational Therapy Examiners shall destroy criminal history
5 record information that is obtained under this section after the
6 information is used for its authorized purpose.

7 SECTION 52. Subchapter F, Chapter 411, Government Code, is
8 amended by adding Section 411.12514 to read as follows:

9 Sec. 411.12514. ACCESS TO CRIMINAL HISTORY RECORD
10 INFORMATION: TEXAS STATE BOARD OF PLUMBING EXAMINERS. (a) The
11 Texas State Board of Plumbing Examiners is entitled to obtain
12 criminal history record information as provided by Subsection (b)
13 that relates to an applicant for a license, registration,
14 endorsement, or certificate under Chapter 1301, Occupations Code,
15 including master plumber, journeyman plumber, plumbing inspector,
16 tradesman-plumber limited, plumber's apprentice, medical gas
17 pipng installation endorsement, multipurpose residential fire
18 protection sprinkler specialist endorsement, and water supply
19 protection specialist endorsement.

20 (b) Subject to Section 411.087 and consistent with the
21 public policy of this state, the Texas State Board of Plumbing
22 Examiners is entitled to:

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

26 (2) obtain from the department or any other criminal
27 justice agency in this state criminal history record information

1 maintained by the department or that criminal justice agency that
2 relates to a person described by Subsection (a).

3 (c) The Texas State Board of Plumbing Examiners may not
4 release or disclose to any person criminal history record
5 information obtained from the Federal Bureau of Investigation under
6 Subsection (b)(1). Criminal history record information obtained by
7 the Texas State Board of Plumbing Examiners under Subsection (b)(2)
8 may not be released or disclosed to any person except on court
9 order, with the written consent of the person or entity that is the
10 subject of the criminal history record information, or as provided
11 by Subsection (d).

12 (d) The Texas State Board of Plumbing Examiners is not
13 prohibited from disclosing criminal history record information
14 obtained under Subsection (b)(2) in a criminal proceeding or in a
15 hearing conducted by the Texas State Board of Plumbing Examiners.

16 (e) The Texas State Board of Plumbing Examiners shall
17 destroy criminal history record information that is obtained under
18 this section after the information is used for its authorized
19 purpose.

20 SECTION 53. Subchapter F, Chapter 411, Government Code, is
21 amended by adding Section 411.12515 to read as follows:

22 Sec. 411.12515. ACCESS TO CRIMINAL HISTORY RECORD
23 INFORMATION: TEXAS REAL ESTATE COMMISSION AND TEXAS APPRAISER
24 LICENSING AND CERTIFICATION BOARD. (a) In this section:

25 (1) "Board" means the Texas Appraiser Licensing and
26 Certification Board.

27 (2) "Commission" means the Texas Real Estate

1 Commission.

2 (b) The commission is entitled to obtain criminal history
3 record information as provided by Subsection (d) that relates to:

4 (1) an applicant for an initial broker or sales agent
5 license or renewal of a broker or sales agent license under Chapter
6 1101, Occupations Code;

7 (2) an applicant for an original certificate of
8 registration as an easement or right-of-way agent or renewal of a
9 certificate of registration as an easement or right-of-way agent
10 under Chapter 1101, Occupations Code; or

11 (3) an applicant for an apprentice inspector license,
12 a real estate inspector license, or a professional inspector
13 license or renewal of an apprentice inspector license, a real
14 estate inspector license, or a professional inspector license under
15 Chapter 1102, Occupations Code.

16 (c) The board is entitled to obtain criminal history record
17 information as provided by Subsection (d) that relates to:

18 (1) an applicant for an appraiser trainee license, a
19 residential appraiser license, a residential appraiser certificate
20 or a general appraiser certificate or renewal of an appraiser
21 trainee license, a residential appraiser license, a residential
22 appraiser certificate, or general appraiser certificate under
23 Chapter 1103, Occupations Code; or

24 (2) an applicant for registration or renewal of a
25 registration as an appraisal management company under Chapter 1104,
26 Occupations Code.

27 (d) Subject to Section 411.087 of this code and Sections

1 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031,
2 Occupations Code, and consistent with the public policy of this
3 state, the commission and the board are entitled to:

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

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

12 (e) The commission or the board, as applicable, may not
13 release or disclose to any person criminal history record
14 information obtained from the Federal Bureau of Investigation under
15 Subsection (d)(1). Neither the commission nor the board is
16 prohibited from disclosing criminal history record information
17 obtained under Subsection (d)(2) in a criminal proceeding or in a
18 hearing conducted by the State Office of Administrative Hearings.

19 (f) The commission or board shall destroy criminal history
20 record information that is obtained under this section after the
21 information is used for its authorized purpose.

22 SECTION 54. Subchapter F, Chapter 411, Government Code, is
23 amended by adding Section 411.12516 to read as follows:

24 Sec. 411.12516. ACCESS TO CRIMINAL HISTORY RECORD
25 INFORMATION: TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
26 SURVEYORS. (a) The Texas Board of Professional Engineers and Land
27 Surveyors is entitled to obtain criminal history record information

1 as provided by Subsection (b) that relates to an applicant for or
2 holder of a license under Chapters 1001 and 1071, Occupations Code.

3 (b) Subject to Section 411.087 of this code and Section
4 1001.272, Occupations Code, and consistent with the public policy
5 of this state, the Texas Board of Professional Engineers and Land
6 Surveyors is entitled to:

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

10 (2) obtain from the department or any other criminal
11 justice agency in this state criminal history record information
12 maintained by the department or that criminal justice agency that
13 relates to a person described by Subsection (a).

14 (c) The Texas Board of Professional Engineers and Land
15 Surveyors may not release or disclose to any person criminal
16 history record information obtained from the Federal Bureau of
17 Investigation under Subsection (b)(1). Criminal history record
18 information obtained by the Texas Board of Professional Engineers
19 and Land Surveyors under Subsection (b)(2) may not be released or
20 disclosed to any person except on court order, with the written
21 consent of the person who is the subject of the criminal history
22 record information, or as provided by Subsection (d).

23 (d) The Texas Board of Professional Engineers and Land
24 Surveyors is not prohibited from disclosing criminal history record
25 information obtained under Subsection (b)(2) in a criminal
26 proceeding or in a hearing conducted by the Texas Board of
27 Professional Engineers and Land Surveyors.

1 (e) The Texas Board of Professional Engineers and Land
2 Surveyors shall destroy criminal history record information that is
3 obtained under this section after the information is used for its
4 authorized purpose.

5 SECTION 55. Subchapter F, Chapter 411, Government Code, is
6 amended by adding Section 411.12517 to read as follows:

7 Sec. 411.12517. ACCESS TO CRIMINAL HISTORY RECORD
8 INFORMATION: TEXAS STATE BOARD OF PHARMACY. (a) The Texas State
9 Board of Pharmacy is entitled to obtain criminal history record
10 information as provided by Subsection (b) that relates to a person
11 who:

12 (1) is an applicant for or holder of a license,
13 certificate, registration, permit, or other authorization under
14 Chapters 557, 558, 559, and 568, Occupations Code;

15 (2) is an applicant for or holder of a Class A, Class
16 B, Class C, Class D, or Class E pharmacy license under Chapters 560
17 and 561, Occupations Code;

18 (3) requests a determination of eligibility for a
19 license, certificate, registration, permit, or other authorization
20 from the Texas State Board of Pharmacy; or

21 (4) is an applicant for employment at or current
22 employee of the Texas State Board of Pharmacy.

23 (b) Subject to Section 411.087 and consistent with the
24 public policy of this state, the Texas State Board of Pharmacy is
25 entitled to:

26 (1) obtain through the Federal Bureau of Investigation
27 criminal history record information maintained or indexed by that

1 bureau that pertains to a person described by Subsection (a); and
2 (2) obtain from the department or any other criminal
3 justice agency in this state criminal history record information
4 maintained by the department or that criminal justice agency that
5 relates to a person described by Subsection (a).

6 (c) The Texas State Board of Pharmacy may not release or
7 disclose to any person criminal history record information obtained
8 from the Federal Bureau of Investigation under Subsection (b)(1).
9 Criminal history record information obtained by the Texas State
10 Board of Pharmacy under Subsection (b)(2) may not be released or
11 disclosed to any person except on court order, with the written
12 consent of the person who is the subject of the criminal history
13 record information, or as provided by Subsection (d).

14 (d) The Texas State Board of Pharmacy is not prohibited from
15 disclosing criminal history record information obtained under
16 Subsection (b)(2) in a criminal proceeding or in a hearing
17 conducted by the Texas State Board of Pharmacy or State Office of
18 Administrative Hearings.

19 (e) The Texas State Board of Pharmacy shall destroy criminal
20 history record information obtained under this section after a
21 final determination is made in the matter for which the information
22 was obtained.

23 SECTION 56. The heading to Section [411.1296](#), Government
24 Code, is amended to read as follows:

25 Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD
26 INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT, ~~AND~~ APPOINTMENT
27 TO APPRAISAL REVIEW BOARD FOR APPRAISAL DISTRICT, AND APPLICANT TO

1 TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD.

2 SECTION 57. Section 411.1296, Government Code, is amended
3 by amending Subsections (a) and (c) and adding Subsections (a-1),
4 (d), (e), and (f) to read as follows:

5 (a) Except as provided by Subsection (b), an appraisal
6 district established by Section 6.01, Tax Code, and the Texas
7 Appraiser Licensing and Certification Board are ~~[is]~~ entitled to
8 obtain ~~[from the department]~~ criminal history record information as
9 provided by Subsection (a-1) ~~[maintained by the department]~~ that
10 relates to a person who is an applicant for employment by the
11 appraisal district, ~~[or for]~~ appointment to the appraisal review
12 board for the appraisal district, or a license or certification as
13 an appraiser trainee, licensed residential appraiser, certified
14 residential appraiser, certified general appraiser, or an
15 appraisal management company regulated by the Texas Appraiser
16 Licensing and Certification Board.

17 (a-1) Subject to Section 411.087 and consistent with the
18 public policy of this state, an appraisal district and the Texas
19 Appraiser Licensing and Certification Board are entitled to:

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

23 (2) obtain from the department or any other criminal
24 justice agency in this state criminal history record information
25 maintained by the department or that criminal justice agency that
26 relates to a person described by Subsection (a).

27 (c) The appraisal district may provide criminal history

1 record information obtained under Subsection (a-1)(2) [~~this~~
2 ~~section~~] to the local administrative district judge or to the
3 appraisal review board commissioners appointed by the local
4 administrative district judge.

5 (d) An appraisal district or the Texas Appraiser Licensing
6 and Certification Board, as applicable, may not release or disclose
7 to any person criminal history record information obtained from the
8 Federal Bureau of Investigation under Subsection (a-1)(1).
9 Criminal history record information obtained by an appraisal
10 district or the Texas Appraiser Licensing and Certification Board
11 under Subsection (a-1)(2) may not be released or disclosed to any
12 person except on court order, with the written consent of the person
13 who is the subject of the criminal history record information, or as
14 provided by Subsection (c).

15 (e) An appraisal district or the Texas Appraiser Licensing
16 and Certification Board is not prohibited from disclosing criminal
17 history record information obtained under Subsection (a-1)(2) in a
18 criminal proceeding or in a hearing conducted by an appraisal
19 district or the Texas Appraiser Licensing and Certification Board.

20 (f) An appraisal district or the Texas Appraiser Licensing
21 and Certification Board shall destroy criminal history record
22 information that is obtained under this section after the
23 information is used for its authorized purpose.

24 SECTION 58. Section 411.1386, Government Code, is amended
25 by amending Subsections (a), (a-6), (b), (c), (g), and (h) and
26 adding Subsections (a-7), (c-1), and (j) to read as follows:

27 (a) Except as provided by Subsections (a-1) [~~(a-5)~~] and

1 (a-6), the clerk of the county having venue over a proceeding for
2 the appointment of a guardian under Title 3, Estates Code, shall
3 obtain [~~from the department~~] criminal history record information as
4 provided by Subsection (a-7) [~~maintained by the department~~] that
5 relates to:

6 (1) a private professional guardian;

7 (2) each person who represents or plans to represent
8 the interests of a ward as a guardian on behalf of the private
9 professional guardian;

10 (3) each person employed by a private professional
11 guardian who will:

12 (A) have personal contact with a ward or proposed
13 ward;

14 (B) exercise control over and manage a ward's
15 estate; or

16 (C) perform any duties with respect to the
17 management of a ward's estate;

18 (4) each person employed by or volunteering or
19 contracting with a guardianship program to provide guardianship
20 services to a ward of the program on the program's behalf; or

21 (5) any other person proposed to serve as a guardian
22 under Title 3, Estates Code, including a proposed temporary
23 guardian and a proposed successor guardian, other than an attorney.

24 (a-6) The clerk described by Subsection (a) is not required
25 to obtain criminal history record information from the department
26 for a person if the Judicial Branch Certification Commission
27 conducted a criminal history check on the person under Sections

1 155.203 and 155.207 [~~Chapter 155~~]. The commission shall provide to
2 the clerk [~~at the court's request~~] the criminal history record
3 information that was obtained from the department [~~or the Federal~~
4 ~~Bureau of Investigation~~]. The clerk shall, in accordance with
5 Subsection (a-7)(1), obtain criminal history record information
6 from the Federal Bureau of Investigation identification division
7 relating to any person described by Subsection (a) regardless of
8 whether the Judicial Branch Certification Commission obtains
9 criminal history record information relating to that person.

10 (a-7) Subject to Section 411.087 and consistent with the
11 public policy of this state, the clerk described by Subsection (a)
12 is entitled to:

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

16 (2) obtain from the department or any other criminal
17 justice agency in this state criminal history record information
18 maintained by the department or that criminal justice agency that
19 relates to a person described by Subsection (a).

20 (b) Criminal history record information obtained by or
21 provided to a clerk under this section [~~Subsection (a), (a-5), or~~
22 ~~(a-6)~~] is for the exclusive use of the court and is privileged and
23 confidential.

24 (c) A clerk may not release or disclose to any person
25 criminal history record information obtained from the Federal
26 Bureau of Investigation under Subsection (a-7)(1). Criminal
27 history record information obtained by or provided to a clerk under

1 Subsection (a-7)(2) [~~(a), (a-5),~~] or (a-6) may not be released or
2 disclosed to any person or agency except on court order or with the
3 consent of the person who is the subject of the information.

4 (c-1) The clerk shall [~~may~~] destroy the criminal history
5 record information after the information is used for the purposes
6 authorized by this section.

7 (g) A person commits an offense if the person releases or
8 discloses any information received under this section without the
9 authorization prescribed by Subsection (c) [~~or (d)~~]. An offense
10 under this subsection is a Class A misdemeanor.

11 (h) The county clerk may charge a \$10 fee to recover the
12 costs of obtaining criminal history record information [~~records~~]
13 authorized by Subsection (a-7) [~~(a)~~].

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

18 SECTION 59. Section [411.13861](#), Government Code, is amended
19 by amending Subsections (a), (b), and (c) and adding Subsections
20 (a-1) and (c-1) to read as follows:

21 (a) The Health and Human Services Commission is entitled to
22 obtain [~~from the Department of Public Safety~~] criminal history
23 record information as provided by Subsection (a-1) [~~maintained by~~
24 ~~the Department of Public Safety~~] that relates to a person:

25 (1) who is required to undergo a background and
26 criminal history check under Chapter [248A](#), Health and Safety Code;

27 (2) who seeks unsupervised visits with a ward of the

1 Health and Human Services Commission, including a relative of the
2 ward;

3 (3) who is an applicant for employment with the Health
4 and Human Services Commission for a position in which the person, as
5 an employee, would have direct access to residents or clients of a
6 facility regulated by the Health and Human Services Commission, as
7 determined by the executive commissioner of that commission; or

8 (4) who is an employee of the Health and Human Services
9 Commission and who has direct access to residents or clients of a
10 facility regulated by that commission, as determined by the
11 executive commissioner of that commission.

12 (a-1) Subject to Section 411.087 and consistent with the
13 public policy of this state, the Health and Human Services
14 Commission is entitled to:

15 (1) obtain through the Federal Bureau of Investigation
16 criminal history record information maintained or indexed by that
17 bureau that pertains to a person required to be fingerprinted who is
18 described by Subsection (a); and

19 (2) obtain from the department or any other criminal
20 justice agency in this state criminal history record information
21 maintained by the department or that criminal justice agency that
22 relates to a person described by Subsection (a).

23 (b) Criminal history record information obtained under
24 Subsection (a-1) [~~(a)~~] is for the exclusive use of the Health and
25 Human Services Commission and is privileged and confidential.

26 (c) The Health and Human Services Commission may not release
27 or disclose to any person criminal history record information

1 obtained from the Federal Bureau of Investigation under Subsection
2 (a-1)(1). Criminal history record information obtained by the
3 Health and Human Services Commission under Subsection (a-1)(2)
4 ~~[(a)]~~ may not be released or disclosed to any person or agency
5 except on court order or with the consent of the person who is the
6 subject of the information.

7 (c-1) The Health and Human Services Commission shall ~~[may]~~
8 destroy the criminal history record information after the
9 information is used for the purposes authorized by this section.

10 SECTION 60. Section [411.1405](#), Government Code, is amended
11 by amending Subsections (b), (c), and (d) and adding Subsections
12 (b-1) and (g) to read as follows:

13 (b) To the extent consistent with Subsection (e), a state
14 agency is entitled to obtain ~~[from the department the]~~ criminal
15 history record information as provided by Subsection (b-1)
16 ~~[maintained by the department]~~ that relates to a person who:

17 (1) is an employee, applicant for employment,
18 contractor, subcontractor, or intern or other volunteer with the
19 state agency or with a contractor or subcontractor for the state
20 agency; and

21 (2) has access to information resources or information
22 resources technologies, other than a desktop computer or telephone
23 station assigned to that person.

24 (b-1) Subject to Section [411.087](#) and consistent with the
25 public policy of this state, a state agency is entitled to:

26 (1) obtain through the Federal Bureau of Investigation
27 criminal history record information maintained or indexed by that

1 bureau that pertains to a person described by Subsection (b); and
2 (2) obtain from the department or any other criminal
3 justice agency in this state criminal history record information
4 maintained by the department or that criminal justice agency that
5 relates to a person described by Subsection (b).

6 (c) A state agency may not release or disclose to any person
7 criminal history record information obtained from the Federal
8 Bureau of Investigation under Subsection (b-1)(1). A state agency
9 that obtains criminal history record information under this section
10 may not release or disclose the information obtained under
11 Subsection (b-1)(2) or any documents or other records derived from
12 the information except:

- 13 (1) by court order;
- 14 (2) with the consent of the person who is the subject
15 of the information; or
- 16 (3) to the affected contractor or subcontractor [~~7~~
17 ~~unless the information was obtained by the department from the~~
18 ~~Federal Bureau of Investigation~~].

19 (d) A state agency and the affected contractor or
20 subcontractor shall destroy criminal history record information
21 obtained under this section after the information is used for the
22 purposes authorized by this section [~~that relates to a person after~~
23 ~~the information is used to make an employment decision or to take a~~
24 ~~personnel action relating to the person who is the subject of the~~
25 ~~information~~].

26 (g) A state agency is not prohibited from disclosing
27 criminal history record information obtained under Subsection

1 (b-1)(2) in a criminal proceeding.

2 SECTION 61. Section [411.1408](#), Government Code, is amended
3 by amending Subsections (b) and (c) and adding Subsections (b-1)
4 and (d) to read as follows:

5 (b) The commission is entitled to obtain [~~from the~~
6 ~~department~~] criminal history record information as provided by
7 Subsection (b-1) [~~maintained by the department~~] that relates to a
8 person who is an applicant for or the holder of a certificate,
9 registration, or license issued by the commission or otherwise
10 under Subtitle L, Title 2.

11 (b-1) Subject to Section [411.087](#) and consistent with the
12 public policy of this state, the commission is entitled to:

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

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

20 (c) The commission may not release or disclose to any person
21 criminal history record information obtained from the Federal
22 Bureau of Investigation under Subsection (b-1)(1). Criminal
23 history record information obtained by the commission under
24 Subsection (b-1)(2) [~~(b)~~]:

25 (1) may be used by the commission for any purpose
26 related to the issuance, denial, suspension, revocation, or renewal
27 of a certificate, registration, or license issued by the commission

1 or otherwise under Subtitle L, Title 2; and

2 (2) may not be released or disclosed to any person
3 except:

4 (A) on court order; or

5 (B) [~~with the consent of the person who is the~~
6 ~~subject of the information; or~~

7 [~~(C)~~] as authorized by Section 411.1386(a-6) of
8 this code or Section 1104.404, Estates Code, if applicable[~~; and~~

9 [~~(3) shall be destroyed by the commission after the~~
10 ~~information is used for the authorized purposes]~~.

11 (d) The commission shall destroy criminal history record
12 information that is obtained under this section after the
13 information is used for its authorized purpose.

14 SECTION 62. Section 411.1409, Government Code, is amended
15 by amending Subsections (b), (c), (d), and (e) and adding
16 Subsection (b-1) to read as follows:

17 (b) An appellate court is entitled to obtain [~~from the~~
18 ~~department]~~ criminal history record information as provided by
19 Subsection (b-1) [maintained by the department] that relates to a
20 person who is an applicant for:

21 (1) employment with the court;

22 (2) a volunteer position with the court; or

23 (3) an appointment made by the court.

24 (b-1) Subject to Section 411.087 and consistent with the
25 public policy of this state, the court is entitled to:

26 (1) obtain through the Federal Bureau of Investigation
27 criminal history record information maintained or indexed by that

1 bureau that pertains to a person described by Subsection (b); and
2 (2) obtain from the department or any other criminal
3 justice agency in this state criminal history record information
4 maintained by the department or that criminal justice agency that
5 relates to a person described by Subsection (b).

6 (c) Criminal history record information obtained by the
7 court under this section [~~Subsection (b)~~] may be used only to
8 evaluate an applicant.

9 (d) The court may not release or disclose to any person
10 criminal history record information obtained from the Federal
11 Bureau of Investigation under Subsection (b-1)(1). The court may
12 not release or disclose information obtained under Subsection
13 (b-1)(2) [~~(b)~~] except on order of a district court [~~or with the~~
14 ~~consent of the person who is the subject of the criminal history~~
15 ~~record information~~].

16 (e) The [~~After the expiration of any probationary term of~~
17 ~~the person's employment, volunteer status, or appointment, the~~]
18 court shall destroy all criminal history record information
19 obtained under this section after the information is used for its
20 authorized purpose [~~Subsection (b)~~].

21 SECTION 63. Subchapter F, Chapter 411, Government Code, is
22 amended by adding Section 411.14101 to read as follows:

23 Sec. 411.14101. ACCESS TO CRIMINAL HISTORY RECORD
24 INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this
25 section, "office" means the State Office of Administrative
26 Hearings.

27 (b) The office is entitled to obtain criminal history record

1 information as provided by Subsection (c) that relates to a person
2 who is:

3 (1) an employee of, or an applicant for employment
4 with, the office; or

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

7 (c) Subject to Section 411.087 and consistent with the
8 public policy of this state, the office is entitled to:

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

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

16 (d) The office may not release or disclose to any person
17 criminal history record information obtained from the Federal
18 Bureau of Investigation under Subsection (c)(1). Criminal history
19 record information obtained by the office under Subsection (c)(2)
20 may not be released or disclosed to any person except by court order
21 or with the written consent of the person who is the subject of the
22 criminal history record information.

23 (e) The office shall destroy criminal history record
24 information that is obtained under this section after the
25 information is used for its authorized purpose.

26 SECTION 64. Subchapter F, Chapter 411, Government Code, is
27 amended by adding Section 411.14102 to read as follows:

1 Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD
2 INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The
3 Texas Board of Architectural Examiners is entitled to obtain
4 criminal history record information as provided by Subsection (b)
5 that relates to:

6 (1) a person who is:

7 (A) an applicant for an architectural
8 registration under Chapter 1051, Occupations Code; or

9 (B) the holder of an architectural registration
10 under that chapter;

11 (2) a person who is:

12 (A) an applicant for a landscape architectural
13 registration under Chapter 1052, Occupations Code; or

14 (B) the holder of a landscape architectural
15 registration under that chapter; or

16 (3) a person who is:

17 (A) an applicant for an interior design
18 registration under Chapter 1053, Occupations Code; or

19 (B) the holder of an interior design registration
20 under that chapter.

21 (b) Subject to Section 411.087 of this code and Section
22 1051.3041, Occupations Code, and consistent with the public policy
23 of this state, the Texas Board of Architectural Examiners is
24 entitled to:

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

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

5 (c) The Texas Board of Architectural Examiners may not
6 release or disclose to any person criminal history record
7 information obtained from the Federal Bureau of Investigation under
8 Subsection (b)(1). Criminal history record information obtained by
9 the Texas Board of Architectural Examiners under Subsection (b)(2)
10 may not be released or disclosed to any person except on court order
11 or as provided by Subsection (d).

12 (d) The Texas Board of Architectural Examiners is not
13 prohibited from disclosing criminal history record information
14 obtained under Subsection (b)(2) in a criminal proceeding or in a
15 hearing conducted by the Texas Board of Architectural Examiners or
16 the State Office of Administrative Hearings, as applicable.

17 (e) The Texas Board of Architectural Examiners shall
18 destroy criminal history record information that is obtained under
19 this section after the information is used for its authorized
20 purpose.

21 SECTION 65. Section 301.2511, Occupations Code, is amended
22 by amending Subsections (a) and (c) and adding Subsections (d) and
23 (e) to read as follows:

24 (a) An applicant for a vocational, registered, or advance
25 practice registered nurse license must submit to the board, in
26 addition to satisfying the other requirements of this subchapter, a
27 complete and legible set of fingerprints, on a form prescribed by

1 the board, for the purpose of obtaining criminal history record
2 information from the Department of Public Safety and the Federal
3 Bureau of Investigation.

4 (c) The board by rule shall develop a system for obtaining
5 criminal history record information for a person accepted for
6 enrollment in a nursing educational program that prepares the
7 person for [~~initial~~] licensure as a vocational, registered, or
8 advanced practice registered [~~or vocational~~] nurse by requiring the
9 person to submit to the board a set of fingerprints that meets the
10 requirements of Subsection (a). The board may develop a similar
11 system for an applicant for enrollment in a nursing educational
12 program. The board may require payment of a fee by a person who is
13 required to submit a set of fingerprints under this subsection.

14 (d) The board may not release or disclose to any person
15 criminal history record information obtained from the Federal
16 Bureau of Investigation under Subsection (a).

17 (e) The board shall destroy criminal history record
18 information that is obtained under this section after the
19 information is used for its authorized purpose.

20 SECTION 66. Section 1101.002, Occupations Code, is amended
21 by adding Subdivision (3-a) to read as follows:

22 (3-a) "Easement or right-of-way agent" means a person
23 who sells, buys, leases, or transfers an easement or right-of-way
24 for another, for compensation or with the expectation of receiving
25 compensation, for use in connection with telecommunication,
26 utility, railroad, or pipeline service.

27 SECTION 67. Section 1101.3521, Occupations Code, is amended

1 by adding Subsections (e) and (f) to read as follows:

2 (e) The commission may not release or disclose to any person
3 criminal history record information obtained from the Federal
4 Bureau of Investigation under Subsection (a).

5 (f) The commission shall destroy criminal history record
6 information that is obtained under this section after the
7 information is used for its authorized purpose.

8 SECTION 68. Section 1101.501, Occupations Code, is amended
9 to read as follows:

10 Sec. 1101.501. CERTIFICATE REQUIRED. A person may not act
11 as an easement or right-of-way agent [~~sell, buy, lease, or transfer~~
12 ~~an easement or right-of-way for another, for compensation or with~~
13 ~~the expectation of receiving compensation, for use in connection~~
14 ~~with telecommunication, utility, railroad, or pipeline service]~~
15 unless the person:

16 (1) holds a license issued under this chapter; or

17 (2) holds a certificate of registration issued under
18 this subchapter.

19 SECTION 69. Section 1101.5041, Occupations Code, is amended
20 to read as follows:

21 Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION
22 REQUIREMENT FOR CERTIFICATE. An applicant for an original
23 certificate of registration as an easement or right-of-way agent or
24 renewal of a certificate of registration as an easement or
25 right-of-way agent must comply with the criminal history record
26 check requirements of Section 1101.3521.

27 SECTION 70. Section 1201.1031, Occupations Code, is amended

1 by adding Subsections (f), (g), (h), (i), and (j) to read as
2 follows:

3 (f) The department is entitled to obtain criminal history
4 record information as provided by Subsection (g) that relates to:

5 (1) an applicant for or holder of a license under this
6 chapter; or

7 (2) an owner, officer, or related person or manager of
8 a person described by Subdivision (1).

9 (g) Subject to Section 411.087 and consistent with the
10 public policy of this state, the department is entitled to:

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

14 (2) obtain from the department or any other criminal
15 justice agency in this state criminal history record information
16 maintained by the department or that criminal justice agency that
17 relates to a person described by Subsection (f).

18 (h) The department may not release or disclose to any person
19 criminal history record information obtained from the Federal
20 Bureau of Investigation under Subsection (g)(1). Criminal history
21 record information obtained by the department under Subsection
22 (g)(2) may not be released or disclosed to any person except on
23 court order, with the written consent of the person who is the
24 subject of the criminal history record information, or as provided
25 by Subsection (i).

26 (i) The department is not prohibited from disclosing
27 criminal history record information obtained under Subsection

1 (g)(2) in a criminal proceeding or in a hearing conducted by the
2 department.

3 (j) The department shall destroy criminal history record
4 information that is obtained under this section after the
5 information is used for its authorized purpose.

6 SECTION 71. Section 2025.251, Occupations Code, is amended
7 to read as follows:

8 Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED. (a) Except
9 as provided by this section, a person, other than as a spectator or
10 as a person placing a wager, may not participate in [~~racing with~~
11 pari-mutuel racing activities or wagering without first obtaining a
12 license from the commission. A person may not engage in any
13 occupation for which commission rules require a license under this
14 subtitle without first obtaining a license from the commission.

15 (b) The commission [~~by rule~~] shall [~~categorize the~~
16 ~~occupations of racetrack employees and~~] determine the occupations
17 that afford [~~the employee~~] an opportunity to influence racing with
18 pari-mutuel wagering, including individuals who [~~. The rules must~~
19 ~~require an employee to be licensed under this subtitle if the~~
20 ~~employee~~]:

21 (1) work [~~works~~] in an occupation as an employee,
22 contractor, or volunteer [~~determined by the commission~~] to afford
23 the individual [~~employee~~] an opportunity to influence racing with
24 pari-mutuel wagering; or

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

1 (c) Notwithstanding Subsection (b), the following
2 individuals require a criminal history background check before an
3 occupational license is issued: commissioners, regulatory
4 employees and contractors hired by the commission, racetrack
5 association employees, training facility employees, and employees
6 of either a recognized horseman's organization or licensed
7 racehorse owners.

8 SECTION 72. The following provisions are repealed:

- 9 (1) Sections 22.0834(g), (i), (k), (m), and (n),
10 Education Code;
- 11 (2) Section 22.08341, Education Code;
- 12 (3) Sections 1104.403, 1104.407, 1104.408, and
13 1104.410, Estates Code;
- 14 (4) Section 411.110(d), Government Code;
- 15 (5) Sections 411.1386(a-4), (a-5), (d), (f), and (i),
16 Government Code; and
- 17 (6) Section 411.13861(f), Government Code.

18 SECTION 73. This Act takes effect immediately if it
19 receives a vote of two-thirds of all the members elected to each
20 house, as provided by Section 39, Article III, Texas Constitution.
21 If this Act does not receive the vote necessary for immediate
22 effect, this Act takes effect September 1, 2023.