

AN ACT

relating to access to and use of certain criminal history record information.

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

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

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

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

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

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

(1) the public work does not involve the construction, alteration, or repair of an instructional facility as defined by 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), and (d-2) do
3 not apply to a qualified school contractor if a [A] school district,
4 open-enrollment charter school, or shared services arrangement
5 obtains [~~may obtain~~] the criminal history record information of a
6 person to whom this section applies through the criminal history
7 clearinghouse as provided by Section 411.0845, Government Code.

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

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

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

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

9 (p) In this section:

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

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

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

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

27 (q) A qualified school contractor shall certify to the

1 school district, open-enrollment charter school, or shared
2 services arrangement that the entity has received all criminal
3 history record information relating to a person who is employed by
4 or under a current offer of employment by the qualified school
5 contractor.

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~~[,~~
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
17 proposed 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
26 guardian under this title, including a proposed temporary guardian,
27 ~~and~~ a proposed successor guardian, or any person who will have~~

1 contact with the proposed ward or the proposed ward's estate on
2 behalf of the proposed guardian, other than an attorney or a person
3 who is a certified guardian.

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

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

16 (b) The commission [board] shall provide to the clerk [~~at~~
17 ~~the court's request~~] the criminal history record information that
18 was obtained from the Department of Public Safety [~~or the Federal~~
19 ~~Bureau of Investigation~~]. The commission is prohibited from
20 disseminating criminal history record information that was
21 obtained from the Federal Bureau of Investigation under Section
22 411.1408, Government Code, for purposes of determining whether an
23 applicant is ineligible for certification as a guardian.

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

26 (a) Criminal history record information obtained or
27 provided under Section 1104.402 [~~1104.403~~] or 1104.404 is

1 privileged and confidential and is for the exclusive use of the
2 court. The criminal history record information may not be released
3 or otherwise disclosed to any person or agency except on court order
4 [~~or consent of the person being investigated~~]. The court may use
5 the criminal history record information only to determine whether
6 to:

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

10 (2) appoint any person proposed to serve as a guardian
11 under this title, including a proposed temporary guardian, a
12 proposed successor guardian, or any person who will have contact
13 with the proposed ward or the proposed ward's estate on behalf of
14 the proposed guardian, other than an attorney or a certified
15 guardian.

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

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

24 SECTION 8. Section 152.203, Government Code, is amended to
25 read as follows:

26 Sec. 152.203. RULES ON INELIGIBILITY. The supreme court
27 shall by order adopt rules on an applicant's [~~applicants'~~]

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

22 SECTION 9. Section 155.205, Government Code, is amended to
23 read as follows:

24 Sec. 155.205. DUTY TO OBTAIN CRIMINAL HISTORY RECORD
25 INFORMATION. (a) In accordance with Subsection (c) and the rules
26 adopted by the supreme court under Section 155.203, the commission
27 shall obtain criminal history record information that is maintained

1 by the Department of Public Safety. The clerk shall obtain in
2 accordance with Subsection (b) criminal history record information
3 from ~~or~~ the Federal Bureau of Investigation identification
4 division relating to an individual seeking appointment as a
5 guardian or temporary guardian.

6 (b) The clerk ~~commission~~ shall obtain~~+~~
7 ~~(1)~~ fingerprint-based criminal history record
8 information of a proposed guardian if:

9 (1) ~~(A)~~ the liquid assets of the estate of a ward
10 exceed \$50,000; or

11 (2) ~~(B)~~ the proposed guardian is not a resident of
12 this state.

13 (c) The commission shall obtain~~+~~
14 ~~(2)~~ name-based criminal history record information
15 of a proposed guardian, including any criminal history record
16 information under the current name and all former names of the
17 proposed guardian, if:

18 (1) ~~(A)~~ the liquid assets of the estate of a ward are
19 \$50,000 or less; and

20 (2) ~~(B)~~ the proposed guardian is a resident of this
21 state.

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

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

27 (a) The commission shall use the criminal history record

1 information obtained under this subchapter only for a purpose
2 authorized by this subchapter [~~or to maintain the registration of a~~
3 ~~guardianship under Subchapter D~~].

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

6 (1-a) "Applicant" means an individual who submits an
7 application for employment, licensure, certification, or
8 registration that requires the department to conduct a background
9 check using criminal history record information.

10 (1-b) "Application" means an application submitted by
11 hard copy or electronically for employment, licensure,
12 certification, or registration that requires the department to
13 conduct a background check using criminal history record
14 information.

15 SECTION 12. Section 411.084, Government Code, is amended by
16 amending Subsection (b) and adding Subsection (d) to read as
17 follows:

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

24 (d) Notwithstanding any other provision of this subchapter,
25 a private entity that purchases information from the department is
26 not required to provide proof of cyber-threat insurance coverage or
27 post a performance bond if that entity:

1 (1) provides proof of an audit by a certified public
2 accountant certifying that the requestor has implemented internal
3 controls and security protocols that are consistent with the
4 National Institute of Standards and Technology standards for
5 cybersecurity and approved by the Department of Information
6 Resources or an IT cybersecurity professional certified by the
7 National Institute of Standards and Technology or a similar
8 organization;

9 (2) provides proof of Payment Card Industry Data
10 Security Standard (PCI DSS) certification or certification by a
11 similar organization recognized by the Department of Information
12 Resources; or

13 (3) provides proof of compliance with voluntary
14 compliance standards for cybersecurity developed by a national
15 organization of certified public accountants for the management of
16 customer data, including SOC 1, SOC 2, or SOC.

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

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

25 (1) is an applicant for or holds a registration issued
26 by the director under Subchapter C, Chapter 481, Health and Safety
27 Code, that authorizes the person to manufacture, distribute,

1 analyze, or conduct research with a controlled substance;

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

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

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

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

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

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

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

1 (a-1) Subject to Section 411.087 and consistent with the
2 public policy of this state, the department is entitled 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 any other criminal justice agency in
7 this state criminal history record information maintained by that
8 criminal justice agency that relates to a person described by
9 Subsection (a).

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

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

22 (d) The department may require any person for whom the
23 department is authorized to obtain [~~and use~~] criminal history
24 record information [~~maintained by the Federal Bureau of~~
25 ~~Investigation or the department~~] under Subsections [~~Subsection~~]
26 (a) and (a-1) to submit a complete and legible set of fingerprints
27 to the department on a form prescribed by the department for the

1 purpose of obtaining criminal history record information.

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

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

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

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

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

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

24 (b) The State Board for Educator Certification may not
25 release or disclose to any person criminal history record
26 information obtained from the Federal Bureau of Investigation under
27 Subsection (a-1)(1). Criminal history record information obtained

1 by the board under Subsection (a-1)(2) in the original form or any
2 subsequent form:

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

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

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

9 (B) to the Texas Education Agency;

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

12 (D) by court order; and

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

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

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

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

26 SECTION 15. Section [411.0901](#), Government Code, is amended
27 by amending Subsections (a) and (b) and adding Subsections (a-1),

1 (c), and (d) to read as follows:

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

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

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

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

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

17 (B) direct contact with students;

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

20 (5) provides services as a tutor on behalf of a service
21 provider that offers accelerated or supplemental instruction under
22 Section 28.0211, Education Code, if the tutor has or will have
23 continuing duties related to the services provided and has or will
24 have direct contact with students ~~[if-~~

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

27 ~~[(B) the employee or applicant has or will have~~

1 ~~direct contact with students]~~.

2 (a-1) Subject to Section 411.087 and consistent with the
3 public policy of this state, the Texas Education Agency is entitled
4 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 (b) The Texas Education Agency may not release or disclose
13 to any person criminal history record information obtained from the
14 Federal Bureau of Investigation under Subsection (a-1)(1).
15 Criminal history record information obtained by the agency under
16 Subsection (a-1)(2) in the original form or any subsequent form:

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

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

20 (A) the person who is the subject of the
21 information;

22 (B) the State Board for Educator Certification;

23 (C) a local or regional educational entity as
24 provided by Section 411.097; ~~or~~

25 (D) by court order; or

26 (E) as provided by Subsection (c); and

27 (3) is not subject to disclosure as provided by

1 Chapter 552 [~~and~~

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

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

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

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

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

- 20 (1) an applicant for or the holder of:
- 21 (A) a driver education instructor license under
22 Chapter 1001, Education Code;
- 23 (B) a license under Chapter 202, Occupations
24 Code;
- 25 (C) a license under Chapter 401, Occupations
26 Code;
- 27 (D) a license under Chapter 402, Occupations Code

1 ~~[a license, certificate, registration, title, or permit issued by~~
2 ~~the department]; or~~

3 (E) an instructor license or motorcycle school
4 license under Chapter 662, Transportation Code;

5 (2) a person who is:

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

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

10 (3) a person who:

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

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

17 (b) Subject to Section 411.087 and consistent with the
18 public policy of this state, the Texas Department of Licensing and
19 Regulation is 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 Texas Department of Licensing and Regulation may not

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

9 (d) The Texas Department of Licensing and Regulation 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 Texas Department of Licensing and
13 Regulation or the State Office of Administrative Hearings.

14 (e) The Texas Department of Licensing and Regulation 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 17. Section 411.095, Government Code, is amended to
19 read as follows:

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

25 (1) an applicant for or holder of a license or
26 registration under Chapter 180, 342, 347, 348, 351, 353, 371, 393,
27 or 394, Finance Code;

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

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

5 (4) a contractor or subcontractor of the Office of
6 Consumer Credit Commissioner; or

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

11 (a-1) Subject to Section 411.087 and consistent with the
12 public policy of this state, the consumer credit commissioner is
13 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 (a); 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 (a).

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

24 The consumer credit commissioner may not release or disclose
25 criminal history record information obtained under Subsection
26 (a-1)(2) except ~~[this section unless]~~:

27 (1) ~~[the information is obtained from a~~

1 ~~fingerprint-based search, and~~

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

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

4 (2) [(B)] to the person who is the subject of the
5 criminal history record information; [or]

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

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

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

13 SECTION 18. Section 411.096, Government Code, is amended to
14 read as follows:

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

21 (1) a person who:

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

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

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

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

3 (A) the Texas Racing Commission; or

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

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

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

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

13 (a-1) Subject to Section 411.087 and consistent with the
14 public policy of this state, the Texas Racing Commission 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 Texas Racing Commission may not release or disclose
24 to any person criminal history record information obtained from the
25 Federal Bureau of Investigation under Subsection (a-1)(1).

26 Criminal history record information obtained by the Texas Racing
27 Commission [~~commission~~] under Subsection (a-1)(2) [~~(a)~~] may not be

1 released or disclosed to any person except [~~in a criminal~~
2 ~~proceeding, in a hearing conducted by the commission,~~] on court
3 order, [~~or~~] with the written consent of the person who is the
4 subject of the criminal history record information, or as provided
5 by Subsection (c) [applicant].

6 (c) The Texas Racing Commission is not prohibited from
7 disclosing criminal history record information obtained under
8 Subsection (a-1)(2) in a criminal proceeding or in a hearing
9 conducted by the Texas Racing Commission or the State Office of
10 Administrative Hearings.

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

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

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

27 (1) an applicant for employment by the district,

1 school, service center, or shared services arrangement;

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

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

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

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

20 (b) A school district, charter school, private school,
21 regional education service center, or education shared services
22 arrangement is entitled to obtain ~~[from the department]~~ criminal
23 history record information as provided by Subsection (c-1)
24 ~~[maintained by the department]~~ that the district, school, service
25 center, or shared services arrangement is required or authorized to
26 obtain under Subchapter C, Chapter 22, Education Code, that relates
27 to a person who is a volunteer, student teacher, or employee of the

1 district, school, service center, or shared services arrangement.

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

6 (1) is a member of the governing body of the school, as
7 defined by Section [12.1012](#), Education Code; or

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

10 (c-1) Subject to Section [411.087](#) and consistent with the
11 public policy of this state:

12 (1) a school district, charter school, regional
13 education service center, or education shared services arrangement
14 is entitled to 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 (a), (b),
17 or (c), as applicable; and

18 (2) a school district, charter school, private school,
19 regional education service center, commercial transportation
20 company, or education shared services arrangement, or an entity
21 that contracts to provide services to a school district, charter
22 school, or shared services arrangement, is entitled to obtain from
23 the department or any other criminal justice agency in this state
24 criminal history record information maintained by the department or
25 that criminal justice agency that relates to a person described by
26 Subsection (a), (b), or (c), as applicable.

27 (d) A school district, charter school, regional education

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

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

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

22 ~~[(3) shall be destroyed by the school district,~~
23 ~~charter school, private school, service center, commercial~~
24 ~~transportation company, or shared services arrangement on the~~
25 ~~earlier of:~~

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

1 ~~[(B) the date the information is used for the~~
2 ~~authorized purpose].~~

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

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

19 SECTION 20. Section [411.0995](#), Government Code, is amended
20 to read as follows:

21 Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD
22 INFORMATION: STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) The
23 State Board of Veterinary Medical Examiners is entitled to obtain
24 ~~[from the department]~~ criminal history record information as
25 provided by Subsection (b) ~~[maintained by the department]~~ that
26 relates to a license under Chapter [801](#), Occupations Code, for
27 person who is:

1 (1) an applicant for:

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

4 (B) a veterinary technician license; or

5 (C) an equine dental provider license; or

6 (2) a holder of a license described by Subdivision
7 (1)(A), (B), or (C) [~~(1) an applicant for a license to practice~~
8 equine dentistry under Chapter 801, Occupations Code; or

9 ~~[(2) the holder of a license under that chapter].~~

10 (b) Subject to Section 411.087 and consistent with the
11 public policy of this state, the State Board of Veterinary Medical
12 Examiners 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 State Board of Veterinary Medical Examiners may not
21 release or disclose to any person criminal history record
22 information obtained from the Federal Bureau of Investigation under
23 Subsection (b)(1). Criminal history record information obtained by
24 the State Board of Veterinary Medical Examiners under Subsection
25 (b)(2) may not be released or disclosed to any person except on
26 court order, with the written consent of the person who is the
27 subject of the criminal history record information, or as provided

1 by Subsection (d).

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

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

11 SECTION 21. Section 411.105, Government Code, is amended to
12 read as follows:

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

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

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

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

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

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

5 (b) Subject to Section 411.087 of this code and Section
6 901.169, Occupations Code, and consistent with the public policy of
7 this state, the Texas State Board of Public Accountancy 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 (c) The Texas State Board of Public Accountancy may not
17 release or disclose to any person criminal history record
18 information obtained from the Federal Bureau of Investigation under
19 Subsection (b)(1). Criminal history record information obtained by
20 the board under Subsection (b)(2) may not be released or disclosed
21 to any person except on court order, with the written consent of the
22 person who is the subject of the criminal history record
23 information, or as provided by Subsection (d).

24 (d) The board is not prohibited from disclosing criminal
25 history record information obtained under Subsection (b)(2) in a
26 criminal proceeding or in a hearing conducted by or on behalf of the
27 board.

1 (e) The board 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 22. Section 411.106, Government Code, is amended to
5 read as follows:

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

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

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

18 (a-1) Subject to Section 411.087 and consistent with the
19 public policy of this state, the Texas Department of Insurance is
20 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 (b) The Texas Department of Insurance may not release or
2 disclose to any person criminal history record information obtained
3 from the Federal Bureau of Investigation under Subsection (a-1)(1).
4 Criminal history record information obtained by the Texas
5 Department of Insurance under Subsection (a-1)(2) [~~(a)~~] may not be
6 disclosed or released to any person except on court order, [~~or~~] with
7 the written consent of the person who is the subject of the criminal
8 history record information, or as provided by Subsection (b-1).

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

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

22 SECTION 23. Section [411.107](#), Government Code, is amended to
23 read as follows:

24 Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD
25 INFORMATION: RECEIVER. (a) In this section, "receiver" has the
26 meaning assigned by Section [443.004](#) [~~Article 21.28~~], Insurance
27 Code.

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

4 (1) who is a creditor or claimant of the receivership
5 estate; or

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

9 (b-1) A receiver is entitled to obtain from the department
10 or any other criminal justice agency in this state criminal history
11 record information maintained by the department or that criminal
12 justice agency that relates to a person described by Subsection
13 (b).

14 (c) Criminal history record information obtained by a
15 receiver under Subsection (b-1) [~~(b)~~] may not be released or
16 disclosed to any person except on court order or with the written
17 consent of the person who is the subject of the criminal history
18 record information.

19 (d) A receiver shall [~~may~~] destroy criminal history record
20 information obtained by the receiver under this section [~~Subsection~~
21 ~~(b)~~] after the purpose for which the information was obtained is
22 accomplished.

23 SECTION 24. Section 411.108, Government Code, is amended to
24 read as follows:

25 Sec. 411.108. ACCESS TO CRIMINAL HISTORY RECORD
26 INFORMATION: TEXAS LOTTERY COMMISSION. (a) The Texas Lottery
27 Commission is entitled to obtain [~~from the department~~] criminal

1 history record information as provided by Subsection (a-2)
2 [~~maintained by the department~~] that relates to a person who, under
3 Section 466.201 [~~under Chapter 466~~], is:

4 (1) a sales agent or an applicant for a sales agent
5 license;

6 (2) a person required to be named in a license
7 application;

8 (3) a lottery operator or prospective lottery operator
9 who has submitted a written proposal to the commission in
10 connection with the procurement of lottery operations and services
11 by the commission;

12 (4) an employee of a lottery operator or prospective
13 lottery operator, if the employee is or will be directly involved in
14 lottery operations;

15 (5) a person who manufactures or distributes lottery
16 equipment or supplies or a representative of a person who
17 manufactures or distributes lottery equipment or supplies offered
18 to the lottery;

19 (6) a person who has submitted a written bid or
20 proposal to the commission in connection with the procurement of
21 goods or services by the commission, if the amount of the bid or
22 proposal exceeds \$500;

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

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

- 1 (9) if a person described in Subdivisions (1) through
2 (8) of this section is not an individual, an individual who:
- 3 (A) is an officer or director of the person;
- 4 (B) holds more than 10 percent of the stock in the
5 person;
- 6 (C) holds an equitable interest greater than 10
7 percent in the person;
- 8 (D) is a creditor of the person who holds more
9 than 10 percent of the person's outstanding debt;
- 10 (E) is the owner or lessee of a business that the
11 person conducts or through which the person will conduct
12 lottery-related activities;
- 13 (F) shares or will share in the profits, other
14 than stock dividends, of the person;
- 15 (G) participates in managing the affairs of the
16 person; or
- 17 (H) is an employee of the person who is or will be
18 involved in:
- 19 (i) selling tickets; or
- 20 (ii) handling money from the sale of
21 tickets;
- 22 (10) the executive director or a prospective executive
23 director of the commission;
- 24 (11) an employee or prospective employee of the
25 commission; or
- 26 (12) a sales agent whose license is renewed under
27 Section [466.158](#).

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

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

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

18 (b) The Texas Lottery Commission may not release or disclose
19 to any person criminal history record information obtained from the
20 Federal Bureau of Investigation under Subsection (a-2)(1).
21 Criminal history record information obtained by the commission
22 under Subsection (a-2)(2) [~~(a) or (a-1)~~] may not be released or
23 disclosed to any person except on court order, with the written
24 consent of the person who is the subject of the criminal history
25 record information, or as provided by Subsection (c) or (d).

26 (c) The Texas Lottery Commission [~~commission~~] is not
27 prohibited from disclosing to the person who is the subject of the

1 criminal history record information obtained under Subsection
2 (a-2)(2) the dates and places of arrests, offenses, and
3 dispositions contained in the [~~criminal history record~~]
4 information.

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

9 (e) The Texas Lottery Commission shall destroy criminal
10 history record information that is obtained under this section
11 after the information is used for its authorized purpose.

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

15 (a) 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 the comptroller
18 believes is necessary for the enforcement or administration of
19 Chapter 103, Civil Practice and Remedies Code, or Chapter 151, 152,
20 154, 155, or 162, Tax Code, including criminal history record
21 information that relates to a person who is:

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

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

25 (3) an officer, director, stockholder owning 10
26 percent or more of the outstanding stock, partner, owner, or
27 managing employee of an applicant or permit holder under any of

1 those chapters that is a corporation, association, joint venture,
2 syndicate, partnership, or proprietorship;

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

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

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

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

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

17 (2) having access to taxpayer account information;

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

20 (4) performing financial management duties designated
21 by the comptroller as security sensitive;

22 (5) performing work on a computer system; or

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

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

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

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

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

18 (f) The comptroller is not prohibited from disclosing
19 criminal history record information obtained under Subsection
20 (c)(2) in a criminal proceeding or in a hearing conducted by the
21 comptroller.

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

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

1 (a) The Department of State Health Services and the Health
2 and Human Services Commission are entitled to obtain [~~from the~~
3 ~~department~~] criminal history record information as provided by
4 Subsection (a-1) [~~maintained by the department~~] that relates to a
5 person who is:

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

7 [~~(A)~~] an applicant for a license or certificate
8 under Chapter 773, Health and Safety Code, [~~the Emergency Health~~
9 ~~Care Act (Chapter 773, Health and Safety Code);~~]

10 [~~(B)~~] an owner or manager of an applicant for an
11 emergency medical services provider license under that chapter,
12 [~~Act,~~] or

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

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

18 (3) an applicant for employment at or current employee
19 of:

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

22 (B) the South Texas Health Care System;

23 (4) an applicant for employment at, current employee
24 of, or person who contracts or may contract to provide goods or
25 services with the Council on Sex Offender Treatment or other
26 division or component of the Health and Human Services Commission
27 that monitors sexually violent predators as described by Section

1 841.003(a), Health and Safety Code; [~~or~~]

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

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

9 (a-1) Subject to Section 411.087 and consistent with the
10 public policy of this state, the Department of State Health
11 Services and the Health and Human Services Commission are entitled
12 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) The Department of State Health Services or the Health
21 and Human Services Commission, as applicable, may not release or
22 disclose to any person criminal history record information obtained
23 from the Federal Bureau of Investigation under Subsection
24 (a-1)(1). Criminal history record information obtained by the
25 Department of State Health Services or the Health and Human
26 Services Commission under Subsection (a-1)(2) [~~(a)~~] may not be
27 released or disclosed to any person except:

1 (1) on court order;

2 (2) [~~7~~] with the written consent of the person who [~~or~~
3 ~~entity that~~] is the subject of the criminal history record
4 information;

5 (3) between the Department of State Health Services
6 and the Health and Human Services Commission to share with the other
7 agency information obtained under this section for the purposes
8 authorized by this section; or

9 (4) [~~7~~, ~~or~~] as provided by Subsection (e).

10 (c) The [~~After an entity is licensed or certified, the~~
11 Department of State Health Services or the Health and Human
12 Services Commission, as applicable, shall destroy the criminal
13 history record information that is obtained under this section
14 after the information is used for its authorized purpose [~~relates~~
15 ~~to that entity. The Department of State Health Services or the~~
16 ~~Health and Human Services Commission, as applicable, shall destroy~~
17 ~~the criminal history record information that relates to:~~

18 ~~[(1) an applicant for employment after that applicant~~
19 ~~is employed or, for an applicant who is not employed, after the~~
20 ~~check of the criminal history record information on that applicant~~
21 ~~is completed; or~~

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

25 (e) The Department of State Health Services or the Health
26 and Human Services Commission, as applicable, is not prohibited
27 from disclosing criminal history record information obtained under

1 Subsection (a-1)(2) [~~(a)~~] in a criminal proceeding or in a hearing
2 conducted by that agency [~~the Department of State Health Services~~
3 ~~or the Health and Human Services Commission, as applicable~~].

4 SECTION 27. Section 411.1103, Government Code, is amended
5 to read as follows:

6 Sec. 411.1103. ACCESS TO CRIMINAL HISTORY RECORD
7 INFORMATION: [~~DEPARTMENT OF STATE HEALTH SERVICES AND~~] HEALTH AND
8 HUMAN SERVICES COMMISSION. (a) The [~~Department of State Health~~
9 ~~Services and the~~] Health and Human Services Commission is [~~are~~]
10 entitled to obtain [~~from the department~~] criminal history record
11 information as provided by Subsection (d) [~~maintained by the~~
12 ~~department~~] that relates to a person:

13 (1) who is:

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

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

18 (C) a person who contracts or may contract to
19 provide goods or services to the [~~Department of State Health~~
20 ~~Services or the~~] Health and Human Services Commission, as
21 applicable, at a state hospital established under Chapter 552,
22 Health and Safety Code, or an employee of or applicant for
23 employment with that person;

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

26 (E) an applicant for a volunteer position with a
27 state hospital established under Chapter 552, Health and Safety

1 Code; and

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

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

12 (1) on court order;

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

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

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

20 (c) The [~~Department of State Health Services or the~~] Health
21 and Human Services Commission is not prohibited from releasing
22 criminal history record information obtained under Subsection
23 (d)(2) [~~this section~~] to the person who is the subject of the
24 criminal history record information.

25 (d) Subject to Section 411.087 and consistent with the
26 public policy of this state, the [~~Department of State Health~~
27 ~~Services and the~~] Health and Human Services Commission is [~~are~~]

1 entitled to:

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

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

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

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

16 SECTION 28. Section [411.1105](#), Government Code, is amended
17 to read as follows:

18 Sec. 411.1105. ACCESS TO CRIMINAL HISTORY RECORD
19 INFORMATION: [~~DEPARTMENT OF STATE HEALTH SERVICES AND~~] HEALTH AND
20 HUMAN SERVICES COMMISSION. (a) The [~~Department of State Health~~
21 ~~Services and the~~] Health and Human Services Commission is [~~are~~]
22 entitled to obtain [~~from the department~~] criminal history record
23 information as provided by Subsections (a-1) and (b) [~~maintained by~~
24 ~~the department~~] that relates to a person who is:

25 (1) an applicant for a chemical dependency counselor's
26 license, a counselor intern's registration, or a clinical
27 supervisor certification under Chapter [504](#), Occupations Code; or

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

3 (a-1) Subject to Section 411.087 and consistent with the
4 public policy of this state, the Health and Human Services
5 Commission 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 (b) In addition to information obtained from the Federal
14 Bureau of Investigation under Subsection (a-1)(1) and Section
15 411.087, the [~~Department of State Health Services and the~~] Health
16 and Human Services Commission is [~~are~~] entitled to obtain
17 information relating to the wanted persons status of an individual
18 listed in Subsection (a).

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

26 (1) on court order;

27 (2) [7] with the consent of the person who is the

1 subject of the criminal history record information; ~~[7]~~ or

2 (3) as provided by Subsection (d).

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

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

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

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

18 (b) The executive commissioner of the commission, or the
19 executive commissioner's designee, is entitled to obtain ~~[from the~~
20 ~~department]~~ criminal history record information as provided by
21 Subsection (b-1) ~~[maintained by the department]~~ that relates to a
22 person who is:

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

27 (A) the eligibility services division of the

1 commission as established under Section 531.008; [~~or~~]

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

4 (C) the regulatory division of the commission as
5 established under Section 531.008; or

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

9 (b-1) Subject to Section 411.087 and consistent with the
10 public policy of this state, the 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 (b); 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 (b).

18 (c) The commission may not release or disclose to any person
19 criminal history record information obtained from the Federal
20 Bureau of Investigation under Subsection (b-1)(1). Criminal
21 history record information obtained by the executive commissioner
22 of the commission, or by the executive commissioner's designee,
23 under Subsection (b-1)(2) [~~(b)~~] may not be released or disclosed,
24 except:

25 (1) if the information is in a public record at the
26 time the information is obtained;

27 (2) on court order;

1 (3) to a criminal justice agency, upon request;

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

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

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

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

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

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

18 Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD
19 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health
20 and Human Services Commission is entitled to obtain [~~from the~~
21 ~~department~~] criminal history record information as provided by
22 Subsection (a-1) [~~maintained by the department~~] that relates to a
23 person who is an applicant for a staff position at an outdoor
24 training program for children who are deaf or hard of hearing
25 conducted by a private entity through a contract with the Health and
26 Human Services Commission in accordance with Section [81.013](#), Human
27 Resources Code.

1 (a-1) Subject to Section 411.087 and consistent with the
2 public policy of this state, the Health and Human Services
3 Commission 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 the department or any other criminal
8 justice agency in this state criminal history record information
9 maintained by the department or that criminal justice agency that
10 relates to a person described by Subsection (a).

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

18 (c) The Health and Human Services Commission may not release
19 or disclose to any person criminal history record information
20 obtained from the Federal Bureau of Investigation under Subsection
21 (a-1)(1). The Health and Human Services Commission may not release
22 or disclose information obtained under Subsection (a-1)(2) [~~(a)~~],
23 except as described by Subsection (b), on court order, or with the
24 consent of the person who is the subject of the criminal history
25 record information.

26 (d) The Health and Human Services Commission [~~and~~]
27 destroy [~~all~~] criminal history record information obtained under

1 Subsection (a-1) [~~(a)~~] after the information is used for its
2 authorized purpose.

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

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

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

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

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

20 (C) a person 14 years of age or older who will be
21 regularly or frequently working or staying in a facility or family
22 home, other than a child in the care of the home or facility;

23 (D) an applicant selected for a position with the
24 Department of Family and Protective Services or the Health and
25 Human Services Commission, the duties of which include direct
26 delivery of protective services to children, elderly persons, or
27 persons with a disability;

1 (E) an employee of, an applicant for employment
2 with, or a volunteer or an applicant volunteer with a business
3 entity or person who [~~that~~] contracts with the Department of Family
4 and Protective Services or the Health and Human Services Commission
5 to provide direct delivery of protective services to children,
6 elderly persons, or persons with a disability, if the person's
7 duties or responsibilities include direct contact with children,
8 elderly persons, or persons with a disability;

9 (F) a registered volunteer with the Department of
10 Family and Protective Services or the Health and Human Services
11 Commission;

12 (G) a person providing or applying to provide
13 in-home, adoptive, or foster care for children in the care of the
14 Department of Family and Protective Services or the Health and
15 Human Services Commission and other persons living in the residence
16 in which the child will reside;

17 (H) a Department of Family and Protective
18 Services employee or a Health and Human Services Commission
19 employee who is engaged in the direct delivery of protective
20 services to children, elderly persons, or persons with a
21 disability;

22 (I) an alleged perpetrator in a report the
23 Department of Family and Protective Services or the Health and
24 Human Services Commission receives alleging that the person has
25 abused, neglected, or exploited a child, an elderly person, or a
26 person with a disability, provided that:

27 (i) the report alleges the person has

1 engaged in conduct that meets the applicable definition of abuse,
2 neglect, or exploitation under Chapter 261, Family Code, or Chapter
3 48, Human Resources Code; and

4 (ii) the person is not also the victim of
5 the alleged conduct;

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

10 (K) through a contract with a nonprofit
11 management center, an employee of, an applicant for employment
12 with, or a volunteer or an applicant volunteer with a nonprofit,
13 tax-exempt organization that provides any service that involves the
14 care of or access to a child, an elderly person, or a person with a
15 disability; or

16 (L) an applicant for a child-care administrator
17 or child-placing agency administrator license under Chapter 43,
18 Human Resources Code.

19 (3) In addition to the criminal history record
20 information the Department of Family and Protective Services or the
21 Health and Human Services Commission is required to obtain under
22 Subdivision (2), the Department of Family and Protective Services
23 or the Health and Human Services Commission, as applicable, is
24 entitled to obtain [~~from the department~~] criminal history record
25 information as provided by Subdivision (4) [~~maintained by the~~
26 ~~department~~] that relates to a person who is:

27 (A) an applicant for a position with the

1 Department of Family and Protective Services or the Health and
2 Human Services Commission regardless of the duties of the position,
3 including a position described by Subdivision (2)(D);

4 (B) a Department of Family and Protective
5 Services employee or a Health and Human Services Commission
6 employee regardless of the duties of the employee's position,
7 including an employee described by Subdivision (2)(H);

8 (C) a volunteer or applicant volunteer with the
9 Department of Family and Protective Services or the Health and
10 Human Services Commission regardless of the duties to be performed,
11 including a registered volunteer;

12 (D) an employee of, an applicant for employment
13 with, or a volunteer or an applicant volunteer with an entity or
14 person who [~~that~~] contracts with the Department of Family and
15 Protective Services or the Health and Human Services Commission, as
16 applicable, and has access to confidential information in that
17 department's or commission's records, if the employee, applicant,
18 volunteer, or applicant volunteer has or will have access to that
19 confidential information;

20 (E) a person living in the residence in which the
21 alleged victim of the report resides, including an alleged
22 perpetrator in a report described by Subdivision (2)(I);

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

26 (G) a person providing, at the request of the
27 child's parent, in-home care for a child only if the person gives

1 written consent to the release and disclosure of the information;

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

6 (I) a relative of a child in the care of the
7 Department of Family and Protective Services or the Health and
8 Human Services Commission, as applicable, to the extent necessary
9 to comply with Section 162.007, Family Code;

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

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

15 (L) an employee of or volunteer at, or an
16 applicant for employment with or to be a volunteer at, an entity
17 that provides supervised independent living services to a young
18 adult receiving extended foster care services from the Department
19 of Family and Protective Services or the Health and Human Services
20 Commission, as applicable;

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

27 (N) a volunteer or applicant volunteer with a

1 local affiliate in this state of Big Brothers Big Sisters of
2 America;

3 (O) a volunteer or applicant volunteer with an
4 organization that provides court-appointed volunteer advocates for
5 abused or neglected children; or

6 (P) an employee, volunteer, or applicant
7 volunteer of a children's advocacy center under Subchapter E,
8 Chapter 264, Family Code, including a member of the governing board
9 of a center.

10 (4) Subject to Section 411.087 and consistent with the
11 public policy of this state, the Department of Family and
12 Protective Services and the Health and Human Services Commission
13 are entitled to:

14 (A) obtain through the Federal Bureau of
15 Investigation criminal history record information maintained or
16 indexed by that bureau that pertains to a person described by
17 Subdivision (2) or (3); and

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

22 (4-a) Law enforcement entities shall expedite the
23 furnishing of criminal history record ~~[such]~~ information obtained
24 under Subdivision (4)(B) to Department of Family and Protective
25 Services workers or Health and Human Services Commission workers,
26 as applicable, to ensure prompt criminal background checks for the
27 safety of alleged victims and Department of Family and Protective

1 Services workers or Health and Human Services Commission workers,
2 as applicable.

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

11 (A) on court order;

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

14 (C) for purposes of an administrative hearing
15 held by the Department of Family and Protective Services or the
16 Health and Human Services Commission, as applicable, concerning the
17 person who is the subject of the criminal history record
18 information; or

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

20 (7) Subject to Subdivision (8), the Department of
21 Family and Protective Services or the Health and Human Services
22 Commission, as applicable, is not prohibited from releasing
23 criminal history record information obtained under Subdivision
24 (4)(B) [~~this subsection~~] to:

25 (A) the person who is the subject of the criminal
26 history record information;

27 (B) a child-placing agency listed in Subdivision

1 (2) that is seeking to verify or approve a foster or adoptive home
2 under procedures authorized by federal law;

3 (C) an adult who resides with an alleged victim
4 of abuse, neglect, or exploitation of a child, elderly person, or
5 person with a disability and who also resides with the alleged
6 perpetrator of that abuse, neglect, or exploitation if:

7 (i) the alleged perpetrator is the subject
8 of the criminal history record information; and

9 (ii) the Department of Family and
10 Protective Services or the Health and Human Services Commission, as
11 applicable, determines that the release of information to the adult
12 is necessary to ensure the safety or welfare of the alleged victim
13 or the adult; or

14 (D) an elderly person or a person with a
15 disability who is an alleged victim of abuse, neglect, or
16 exploitation and who resides with the alleged perpetrator of that
17 abuse, neglect, or exploitation if:

18 (i) the alleged perpetrator is the subject
19 of the criminal history record information; and

20 (ii) the Department of Family and
21 Protective Services or the Health and Human Services Commission, as
22 applicable, determines that the release of information to the
23 person is necessary to ensure the safety or welfare of the person.

24 SECTION 32. Section 411.114, Government Code, is amended by
25 adding Subsection (d) to read as follows:

26 (d) The Department of Family and Protective Services and the
27 Health and Human Services Commission, as applicable, shall destroy

1 criminal history record information that is obtained under this
2 section after the information is used for its authorized purpose.

3 SECTION 33. Section 411.1142, Government Code, is amended
4 by amending Subsections (a), (b), and (d) and adding Subsections
5 (a-1) and (f) to read as follows:

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

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

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

21 (a-1) Subject to Section 411.087 and consistent with the
22 public policy of this state, the Health and Human Services
23 Commission 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 who is described by Subsection (a);
27 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 (b) The Health and Human Services Commission may not release
6 or disclose to any person criminal history record information
7 obtained from the Federal Bureau of Investigation under Subsection
8 (a-1)(1). Criminal history record information obtained by the
9 Health and Human Services Commission under Subsection (a-1)(2)
10 [~~(a)~~] may not be released or disclosed to any person except:

11 (1) on court order;

12 (2) [~~7~~] with the consent of the person who is the
13 subject of the criminal history record information; [~~7~~] or

14 (3) as provided by Subsection (d).

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

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 34. Section 411.1143, Government Code, is amended
25 to read as follows:

26 Sec. 411.1143. ACCESS TO CRIMINAL HISTORY RECORD
27 INFORMATION; AGENCIES OPERATING PART OF MEDICAL ASSISTANCE

1 PROGRAM. (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 who is described by Subsection (a)
25 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, as applicable, may not release or disclose to
5 any person criminal history record information obtained from the
6 Federal Bureau of Investigation under Subsection (a-2)(1).
7 Criminal history record information obtained by the Health and
8 Human Services Commission or the office of inspector general
9 [commission or an agency] under Subsection (a-2)(2) [~~(a)~~] may not
10 be released or disclosed to any person except in a criminal
11 proceeding, in an administrative proceeding, on court order, or
12 with the consent of 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 35. 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:

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 36. 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 who is described by Subsection (b);
21 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 37. 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 who is an initial or renewal applicant for:

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

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

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

17 (b) Subject to Section 411.087 and consistent with the
18 public policy of this state, the Health and Human Services
19 Commission is 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 Health and Human Services Commission may not release

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

6 (1) on court order;

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

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

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

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

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

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

23 SECTION 38. Section 411.122(d), Government Code, as amended
24 by Chapters 684 (S.B. 2200), 768 (H.B. 1501), and 1232 (H.B. 1523),
25 Acts of the 86th Legislature, Regular Session, 2019, is reenacted
26 and amended to read as follows:

27 (d) The following state agencies are subject to this

1 section:

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

4 (2) Texas Board of Architectural Examiners;

5 (3) Texas Board of Chiropractic Examiners;

6 (4) State Board of Dental Examiners;

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

9 (6) Texas Funeral Service Commission;

10 (7) Texas Board of Professional Geoscientists;

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

14 (9) Texas Department of Licensing and Regulation[
15 ~~except as provided by Section 411.093~~];

16 (10) Texas Commission on Environmental Quality;

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

19 (12) Texas Optometry Board;

20 (13) Texas State Board of Pharmacy;

21 (14) [~~Texas Board of Physical Therapy Examiners~~;

22 [~~15~~] Texas State Board of Plumbing Examiners;

23 (15) [~~16~~] Texas State Board of Examiners of
24 Psychologists;

25 (16) [~~17~~] Texas Real Estate Commission;

26 (17) [~~18~~] Texas Department of Transportation;

27 (18) [~~19~~] State Board of Veterinary Medical

1 Examiners;

2 (19) [~~(20)~~] Texas Department of Housing and Community
3 Affairs;

4 (20) [~~(21)~~] secretary of state;

5 (21) [~~(22)~~] state fire marshal;

6 (22) [~~(23)~~] Texas Education Agency;

7 (23) [~~(24)~~] Department of Agriculture; and

8 (24) [~~(25)~~] Texas Department of Motor Vehicles.

9 SECTION 39. Section 411.125, Government Code, is amended to
10 read as follows:

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

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

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

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

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

26 (b) Subject to Section 411.087 and consistent with the
27 public policy of this state, the Texas Board of Nursing is entitled

1 to:

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

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

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

15 (1) as required under a court order;

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

18 (3) with the written consent of the person who is the
19 subject of the criminal history record information; or

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

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

26 (e) Criminal history record information obtained by the
27 Texas Board of Nursing shall be destroyed by the agency after a

1 final determination is made and all appeals are concluded in the
2 matter for which the information was obtained.

3 SECTION 40. Subchapter F, Chapter 411, Government Code, is
4 amended by adding Section 411.12501 to read as follows:

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

13 (b) This section does not limit the commission's ability to
14 obtain criminal history record information for criminal justice
15 purposes or as authorized by other law.

16 (c) The commission may require any person for whom the
17 commission is authorized to obtain and use criminal history record
18 information under Subsection (a) to submit a complete and legible
19 set of fingerprints to the commission on a form prescribed by the
20 commission for the purpose of obtaining criminal history record
21 information.

22 SECTION 41. Subchapter F, Chapter 411, Government Code, is
23 amended by adding Section 411.12502 to read as follows:

24 Sec. 411.12502. ACCESS TO CRIMINAL HISTORY RECORD
25 INFORMATION: TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. (a) The
26 Texas Behavioral Health Executive Council is entitled to obtain
27 criminal history record information as provided by Subsection (b)

1 that relates to a person who is an applicant for or licensed as:

2 (1) a licensed psychologist, licensed psychological
3 associate, or licensed specialist in school psychology under
4 Chapter 501, Occupations Code;

5 (2) a licensed marriage and family therapist or
6 licensed marriage and family therapist associate under Chapter 502,
7 Occupations Code;

8 (3) a licensed professional counselor or licensed
9 professional counselor associate under Chapter 503, Occupations
10 Code; or

11 (4) a licensed baccalaureate social worker, licensed
12 master social worker, or licensed clinical social worker under
13 Chapter 505, Occupations Code.

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

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

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

24 (c) The Texas Behavioral Health Executive Council may not
25 release or disclose to any person criminal history record
26 information obtained from the Federal Bureau of Investigation under
27 Subsection (b)(1). Criminal history record information obtained by

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

5 (d) The Texas Behavioral Health Executive Council 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 executive council or the State Office of
9 Administrative Hearings.

10 (e) The Texas Behavioral Health Executive Council 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 42. Subchapter F, Chapter 411, Government Code, is
15 amended by adding Section 411.12503 to read as follows:

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

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

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

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

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

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

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

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

22 (e) The Texas Board of Chiropractic Examiners 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 43. Subchapter F, Chapter 411, Government Code, is
26 amended by adding Section 411.12504 to read as follows:

27 Sec. 411.12504. ACCESS TO CRIMINAL HISTORY RECORD

1 INFORMATION: STATE BOARD OF DENTAL EXAMINERS. (a) The State Board
2 of Dental Examiners is entitled to obtain criminal history record
3 information as provided by Subsection (b) that relates to a person
4 who:

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

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

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

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

15 (b) Subject to Section 411.087 and consistent with the
16 public policy of this state, the State Board of Dental Examiners 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 (c) The State Board of Dental Examiners may not release or
26 disclose to any person criminal history record information obtained
27 from the Federal Bureau of Investigation under Subsection (b)(1).

1 Criminal history record information obtained by the State Board of
2 Dental Examiners under Subsection (b)(2) 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 (d).

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

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

15 SECTION 44. Subchapter F, Chapter 411, Government Code, is
16 amended by adding Section 411.12505 to read as follows:

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

20 (1) contracts or subcontracts to provide services to a
21 school district, charter school, or shared services arrangement;
22 and

23 (2) is determined eligible by the department to obtain
24 criminal history record information under the National Child
25 Protection Act of 1993 (34 U.S.C. Section 40101 et seq.) for an
26 employee, applicant for employment, or volunteer of the qualified
27 school contractor.

1 (b) A qualified school contractor is entitled to obtain from
2 the department or any other criminal justice agency in this state
3 criminal history record information maintained by the department or
4 that criminal justice agency that relates to a person described by
5 Subsection (a)(2).

6 (c) Criminal history record information obtained by a
7 qualified school contractor under Subsection (b) in the original
8 form or any subsequent form:

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

10 (A) to the person who is the subject of the
11 information;

12 (B) with the consent of the person who is the
13 subject of the information;

14 (C) by court order; or

15 (D) except as provided by Subsection (d); and

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

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

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

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

27 SECTION 45. Subchapter F, Chapter 411, Government Code, is

1 amended by adding Section 411.12506 to read as follows:

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

7 (1) is an applicant for a license, permit, or
8 registration under:

9 (A) Chapters 341, 361, and 366, Health and Safety
10 Code;

11 (B) Chapter 1903, Occupations Code; or

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

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

15 (3) requests a determination of eligibility for a
16 license, permit, or registration from the agency under a provision
17 listed in Subdivision (1).

18 (b) Subject to Section 411.087 and consistent with the
19 public policy of this state, the Texas Commission on Environmental
20 Quality 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 Commission on Environmental Quality 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 Commission on Environmental Quality 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 Commission on Environmental Quality is not
11 prohibited from disclosing criminal history record information
12 obtained under Subsection (b)(2) in a criminal proceeding or in an
13 administrative proceeding conducted by the Texas Commission on
14 Environmental Quality or the State Office of Administrative
15 Hearings.

16 (e) The Texas Commission on Environmental Quality 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 46. Subchapter F, Chapter 411, Government Code, is
21 amended by adding Section 411.12507 to read as follows:

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

26 (1) a person who is:

27 (A) an applicant for a license or certificate

1 under Sections 651.259 and 651.302, Occupations Code; or

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

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

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

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

11 (b) Subject to Section 411.087 and consistent with the
12 public policy of this state, the Texas Funeral Service Commission
13 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 (a); 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 (a).

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

1 record information, or as provided by Subsection (d).

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

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

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

14 SECTION 47. Subchapter F, Chapter 411, Government Code, is
15 amended by adding Section 411.12508 to read as follows:

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

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

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

25 (b) Subject to Section 411.087 of this code and Chapter
26 1201, Occupations Code, and consistent with the public policy of
27 this state, the manufactured housing division is entitled to:

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

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

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

16 (d) The manufactured housing division is not prohibited
17 from disclosing criminal history record information obtained under
18 Subsection (b)(2) in a criminal proceeding or in a hearing
19 conducted by the manufactured housing division. Certified public
20 documents that contain criminal history record information
21 described by Subsection (b)(2) but that the division does not
22 obtain under that subdivision may be used in a criminal or civil
23 proceeding or in a hearing conducted by the manufactured housing
24 division.

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

1 SECTION 48. Subchapter F, Chapter 411, Government Code, is
2 amended by adding Section 411.12509 to read as follows:

3 Sec. 411.12509. ACCESS TO CRIMINAL HISTORY RECORD
4 INFORMATION: STATE FIRE MARSHAL. (a) The state fire marshal is
5 entitled to obtain criminal history record information as provided
6 by Subsection (b) that relates to a person who is an applicant for a
7 license issued by the state fire marshal.

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

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

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

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

25 (d) The state fire marshal 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 state fire marshal.

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

5 SECTION 49. Subchapter F, Chapter 411, Government Code, is
6 amended by adding Section 411.12510 to read as follows:

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

11 (1) an applicant for or holder of a license to practice
12 medicine;

13 (2) an applicant for or holder of a license to practice
14 as a physician assistant;

15 (3) an applicant for or holder of a license to practice
16 as an acupuncturist;

17 (4) an applicant for or holder of a certificate to
18 practice as an acudetox specialist;

19 (5) an applicant for or holder of a license to practice
20 as a surgical assistant;

21 (6) an applicant for or holder of a general
22 certificate to perform radiologic procedures, limited certificate
23 to perform radiologic procedures only on specific parts of the
24 body, or radiologist assistant certificate;

25 (7) an applicant for or holder of a placement on the
26 registry of noncertified technicians;

27 (8) an employee of an applicant for a hardship

1 exemption;

2 (9) an applicant for or holder of a license to practice
3 as a medical physicist;

4 (10) an applicant for or holder of a license to
5 practice as a perfusionist;

6 (11) an applicant for or holder of a license to
7 practice as a respiratory care practitioner; and

8 (12) an applicant for or holder of a pain management
9 clinic certificate.

10 (b) Subject to Section [411.087](#) and consistent with the
11 public policy of this state, the Texas Medical Board is entitled 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 Medical Board may not release or disclose to
20 any person criminal history record information obtained from the
21 Federal Bureau of Investigation under Subsection (b)(1). Criminal
22 history record information obtained by the Texas Medical Board
23 under Subsection (b)(2) may not be released or disclosed to any
24 person, except as provided by Subsection (d).

25 (d) The Texas Medical Board is not prohibited from
26 disclosing criminal history record information obtained under
27 Subsection (b)(2) in a hearing conducted by the Texas Medical Board

1 or its advisory boards.

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

5 SECTION 50. Subchapter F, Chapter 411, Government Code, is
6 amended by adding Section 411.12511 to read as follows:

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

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

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

16 (3) who is an officer, director, member, manager,
17 principal, partner, trustee, or other person acting in a
18 representative capacity for an applicant, general distinguishing
19 number holder, or license holder and whose act or omission would be
20 cause for denying, revoking, or suspending a general distinguishing
21 number or license issued under Chapter 503, Transportation Code, or
22 Chapter 2301 or 2302, Occupations Code.

23 (b) Subject to Section 411.087 and consistent with the
24 public policy of this state, the Texas Department of Motor Vehicles
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 Department of Motor Vehicles may not release
7 or disclose to any person criminal history record information
8 obtained from the Federal Bureau of Investigation under Subsection
9 (b)(1). Criminal history record information obtained by the Texas
10 Department of Motor Vehicles under Subsection (b)(2) may not be
11 released or disclosed to any person except on court order, with the
12 written consent of the person who is the subject of the criminal
13 history record information, or as provided by Subsection (d).

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

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

21 SECTION 51. Subchapter F, Chapter 411, Government Code, is
22 amended by adding Section 411.12512 to read as follows:

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

27 (1) an applicant for a license under Section 351.251,

1 Occupations Code; or

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

4 (b) Subject to Section 411.087 of this code and Sections
5 351.2525 and 351.3045, Occupations Code, and consistent with the
6 public policy of this state, the Texas Optometry Board is entitled
7 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 (c) The Texas Optometry Board may not release or disclose to
16 any 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 Texas Optometry Board
19 under Subsection (b)(2) may not be released or disclosed to any
20 person except on court order, with the written consent of the person
21 who is the subject of the criminal history record information, or as
22 provided by Subsection (d).

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

27 (e) The Texas Optometry Board shall destroy criminal

1 history record information that is obtained under this section
2 after the information is used for its authorized purpose.

3 SECTION 52. Subchapter F, Chapter 411, Government Code, is
4 amended by adding Section 411.12513 to read as follows:

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

11 (1) an applicant for or the holder of a physical
12 therapist or physical therapist assistant license under Chapter
13 453, Occupations Code; or

14 (2) an applicant for or the holder of an occupational
15 therapist or occupational therapy assistant license under Chapter
16 454, Occupations Code.

17 (b) Subject to Section 411.087 and consistent with the
18 public policy of this state, the Executive Council of Physical
19 Therapy and Occupational Therapy Examiners is 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 Executive Council of Physical Therapy and

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

10 (d) The Executive Council of Physical Therapy and
11 Occupational Therapy Examiners is not prohibited from disclosing
12 criminal history record information obtained under Subsection
13 (b)(2) in a criminal proceeding or in a hearing conducted by the
14 Executive Council of Physical Therapy and Occupational Therapy
15 Examiners.

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

20 SECTION 53. Subchapter F, Chapter 411, Government Code, is
21 amended by adding Section 411.12514 to read as follows:

22 Sec. 411.12514. ACCESS TO CRIMINAL HISTORY RECORD
23 INFORMATION: TEXAS STATE BOARD OF PLUMBING EXAMINERS. (a) The
24 Texas State Board of Plumbing Examiners is entitled to obtain
25 criminal history record information as provided by Subsection (b)
26 that relates to an applicant for a license, registration,
27 endorsement, or certificate under Chapter 1301, Occupations Code,

1 including a license, registration, endorsement, or certificate, as
2 applicable, for any of the following functions: master plumber,
3 journeyman plumber, plumbing inspector, tradesman-plumber limited,
4 plumber's apprentice, multipurpose residential fire protection
5 sprinkler specialist, water supply protection specialist, and
6 medical gas piping installation.

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

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

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

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

26 (d) The Texas State Board of Plumbing Examiners is not
27 prohibited from disclosing criminal history record information

1 obtained under Subsection (b)(2) in a criminal proceeding or in a
2 hearing conducted by the Texas State Board of Plumbing Examiners.

3 (e) The Texas State Board of Plumbing Examiners shall
4 destroy criminal history record information that is obtained under
5 this section after the information is used for its authorized
6 purpose.

7 SECTION 54. Subchapter F, Chapter 411, Government Code, is
8 amended by adding Section 411.12515 to read as follows:

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

12 (1) "Board" means the Texas Appraiser Licensing and
13 Certification Board.

14 (2) "Commission" means the Texas Real Estate
15 Commission.

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

18 (1) an applicant for an initial broker or sales agent
19 license or renewal of a broker or sales agent license under Chapter
20 1101, Occupations Code;

21 (2) an applicant for an original certificate of
22 registration as an easement or right-of-way agent or renewal of a
23 certificate of registration as an easement or right-of-way agent
24 under Chapter 1101, Occupations Code; or

25 (3) an applicant for an apprentice inspector license,
26 a real estate inspector license, or a professional inspector
27 license or renewal of an apprentice inspector license, a real

1 estate inspector license, or a professional inspector license under
2 Chapter 1102, Occupations Code.

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

5 (1) an applicant for an appraiser trainee license, a
6 residential appraiser license, a residential appraiser
7 certificate, or a general appraiser certificate or renewal of an
8 appraiser trainee license, a residential appraiser license, a
9 residential appraiser certificate, or a general appraiser
10 certificate under Chapter 1103, Occupations Code; or

11 (2) an applicant for registration or renewal of a
12 registration as an appraisal management company under Chapter 1104,
13 Occupations Code.

14 (d) Subject to Section 411.087 of this code and Sections
15 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031,
16 Occupations Code, and consistent with the public policy of this
17 state, the commission and the board are 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) or (c);
21 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) or (c).

26 (e) The commission or the board, as applicable, may not
27 release or disclose to any person criminal history record

1 information obtained from the Federal Bureau of Investigation under
2 Subsection (d)(1). The commission or the board, as applicable, is
3 not prohibited from disclosing criminal history record information
4 obtained under Subsection (d)(2) in a criminal proceeding or in a
5 hearing conducted by the State Office of Administrative Hearings on
6 behalf of that agency.

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

10 SECTION 55. Subchapter F, Chapter 411, Government Code, is
11 amended by adding Section 411.12516 to read as follows:

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

18 (b) Subject to Section 411.087 of this code and Section
19 1001.272, Occupations Code, and consistent with the public policy
20 of this state, the Texas Board of Professional Engineers and Land
21 Surveyors is 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 Texas Board of Professional Engineers and Land
3 Surveyors may not release or disclose to any person criminal
4 history record information obtained from the Federal Bureau of
5 Investigation under Subsection (b)(1). Criminal history record
6 information obtained by the Texas Board of Professional Engineers
7 and Land Surveyors under Subsection (b)(2) may not be released or
8 disclosed to any person except on court order, with the written
9 consent of the person who is the subject of the criminal history
10 record information, or as provided by Subsection (d).

11 (d) The Texas Board of Professional Engineers and Land
12 Surveyors is not prohibited from disclosing criminal history record
13 information obtained under Subsection (b)(2) in a criminal
14 proceeding or in a hearing conducted by the Texas Board of
15 Professional Engineers and Land Surveyors.

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

20 SECTION 56. Subchapter F, Chapter 411, Government Code, is
21 amended by adding Section 411.12517 to read as follows:

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

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

1 certificate, registration, permit, or other authorization under
2 Chapters 557, 558, 559, and 568, Occupations Code;

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

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

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

11 (b) Subject to Section 411.087 and consistent with the
12 public policy of this state, the Texas State Board of Pharmacy is
13 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 (a); 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 (a).

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

1 record information, or as provided by Subsection (d).

2 (d) The Texas State Board of Pharmacy is not prohibited from
3 disclosing criminal history record information obtained under
4 Subsection (b)(2) in a criminal proceeding or in a hearing
5 conducted by the Texas State Board of Pharmacy or the State Office
6 of Administrative Hearings.

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

11 SECTION 57. The heading to Section 411.1296, Government
12 Code, is amended to read as follows:

13 Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD
14 INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT, ~~[AND]~~ APPOINTMENT
15 TO APPRAISAL REVIEW BOARD FOR APPRAISAL DISTRICT, AND APPLICANT TO
16 TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD.

17 SECTION 58. Section 411.1296, Government Code, is amended
18 by amending Subsections (a) and (c) and adding Subsections (a-1),
19 (d), (e), and (f) to read as follows:

20 (a) Except as provided by Subsection (b), an appraisal
21 district established by Section 6.01, Tax Code, and the Texas
22 Appraiser Licensing and Certification Board are [is] entitled to
23 obtain [from the department] criminal history record information as
24 provided by Subsection (a-1) [maintained by the department] that
25 relates to a person who is an applicant for employment by the
26 appraisal district, [or] for appointment to the appraisal review
27 board for the appraisal district, for a license or certification as

1 an appraiser trainee, licensed residential appraiser, certified
2 residential appraiser, or certified general appraiser, or for an
3 appraisal management company regulated by the Texas Appraiser
4 Licensing and Certification Board.

5 (a-1) Subject to Section 411.087 and consistent with the
6 public policy of this state, an appraisal district and the Texas
7 Appraiser Licensing and Certification Board are 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 (c) The appraisal district may provide criminal history
16 record information obtained under Subsection (a-1)(2) [~~this~~
17 ~~section~~] to the local administrative district judge or to the
18 appraisal review board commissioners appointed by the local
19 administrative district judge.

20 (d) An appraisal district or the Texas Appraiser Licensing
21 and Certification Board, as applicable, may not release or disclose
22 to any person criminal history record information obtained from the
23 Federal Bureau of Investigation under Subsection (a-1)(1).
24 Criminal history record information obtained by an appraisal
25 district or the Texas Appraiser Licensing and Certification Board
26 under Subsection (a-1)(2) may not be released or disclosed to any
27 person except on court order, with the written consent of the person

1 who is the subject of the criminal history record information, or as
2 provided by Subsections (c) and (e).

3 (e) An appraisal district or the Texas Appraiser Licensing
4 and Certification Board is not prohibited from disclosing criminal
5 history record information obtained under Subsection (a-1)(2) in a
6 criminal proceeding or in a hearing conducted by an appraisal
7 district or the Texas Appraiser Licensing and Certification Board.

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

12 SECTION 59. Section 411.1386, Government Code, is amended
13 by amending Subsections (a), (a-6), (b), (c), (g), and (h) and
14 adding Subsections (a-7) and (c-1) to read as follows:

15 (a) Except as provided by Subsections (a-1)~~[(a-5)]~~ and
16 (a-6), the clerk of the county having venue over a proceeding for
17 the appointment of a guardian under Title 3, Estates Code, shall
18 obtain ~~[from the department]~~ criminal history record information as
19 provided by Subsection (a-7) ~~[maintained by the department]~~ that
20 relates to~~+~~

21 ~~[(1) a private professional guardian,~~

22 ~~[(2) each person who represents or plans to represent~~
23 ~~the interests of a ward as a guardian on behalf of the private~~
24 ~~professional guardian,~~

25 ~~[(3) each person employed by a private professional~~
26 ~~guardian who will:~~

27 ~~[(A) have personal contact with a ward or~~

1 ~~proposed ward;~~

2 ~~[(B) exercise control over and manage a ward's~~
3 ~~estate; or~~

4 ~~[(C) perform any duties with respect to the~~
5 ~~management of a ward's estate;~~

6 ~~[(4) each person employed by or volunteering or~~
7 ~~contracting with a guardianship program to provide guardianship~~
8 ~~services to a ward of the program on the program's behalf; or~~

9 ~~[(5)]~~ any ~~[other]~~ person proposed to serve as a
10 guardian under Title 3, Estates Code, including a proposed
11 temporary guardian, ~~[and]~~ a proposed successor guardian, or any
12 person who will have contact with the proposed ward or the proposed
13 ward's estate on behalf of the proposed guardian, other than an
14 attorney or a certified guardian.

15 (a-6) The clerk described by Subsection (a) is not required
16 to obtain criminal history record information from the department
17 for a person if the Judicial Branch Certification Commission
18 conducted a criminal history check on the person under Sections
19 155.203 and 155.207 [~~Chapter 155~~]. The commission shall provide to
20 the clerk [~~at the court's request~~] the criminal history record
21 information that was obtained from the department [~~or the Federal~~
22 ~~Bureau of Investigation~~]. The clerk shall, in accordance with
23 Subsection (a-7)(1), obtain criminal history record information
24 from the Federal Bureau of Investigation identification division
25 relating to any person described by Subsection (a).

26 (a-7) Subject to Section 411.087 and consistent with the
27 public policy of this state, the clerk described by Subsection (a)

1 is entitled to:

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

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

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

13 (c) A clerk may not release or disclose to any person
14 criminal history record information obtained from the Federal
15 Bureau of Investigation under Subsection (a-7)(1). Criminal
16 history record information obtained by or provided to a clerk under
17 Subsection (a-7)(2) [~~(a), (a-5),~~ or (a-6) may not be released or
18 disclosed to any person or agency except on court order or with the
19 consent of the person who is the subject of the information.

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

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

27 (h) The county clerk may charge a \$10 fee to recover the

1 costs of obtaining criminal history record information [~~records~~]
2 authorized by Subsection (a-7) [~~(a)~~].

3 SECTION 60. Section [411.13861](#), Government Code, is amended
4 by amending Subsections (a), (b), and (c) and adding Subsections
5 (a-1) and (c-1) to read as follows:

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

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

12 (2) who seeks unsupervised visits with a ward of the
13 Health and Human Services Commission, including a relative of the
14 ward;

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

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

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

27 (1) obtain through the Federal Bureau of Investigation

1 criminal history record information maintained or indexed by that
2 bureau that pertains to a person who is described by Subsection (a);
3 and

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

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

11 (c) 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 (a-1)(1). Criminal history record information obtained by the
15 Health and Human Services Commission under Subsection (a-1)(2)
16 [~~(a)~~] may not be released or disclosed to any person or agency
17 except on court order or with the consent of the person who is the
18 subject of the information.

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

22 SECTION 61. Section 411.1405, Government Code, is amended
23 by amending Subsections (b), (c), and (d) and adding Subsections
24 (b-1) and (g) to read as follows:

25 (b) To the extent consistent with Subsection (e), a state
26 agency is entitled to obtain [~~from the department the~~] criminal
27 history record information as provided by Subsection (b-1)

1 ~~[maintained by the department]~~ that relates to a person who:

2 (1) is an employee, applicant for employment,
3 contractor, subcontractor, or intern or other volunteer with the
4 state agency or with a contractor or subcontractor for the state
5 agency; and

6 (2) has access to information resources or information
7 resources technologies, other than a desktop computer or telephone
8 station assigned to that person.

9 (b-1) Subject to Section 411.087 and consistent with the
10 public policy of this state, a state agency 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 (b); 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 (b).

18 (c) A state agency may not release or disclose to any person
19 criminal history record information obtained from the Federal
20 Bureau of Investigation under Subsection (b-1)(1). A state agency
21 that obtains criminal history record information under this section
22 may not release or disclose the information obtained under
23 Subsection (b-1)(2) or any documents or other records derived from
24 the information except:

25 (1) by court order;

26 (2) with the consent of the person who is the subject
27 of the information; ~~[or]~~

1 (3) to the affected contractor or subcontractor; or
2 (4) as described by Subsection (g) [~~unless the~~
3 ~~information was obtained by the department from the Federal Bureau~~
4 ~~of Investigation~~].

5 (d) A state agency and the affected contractor or
6 subcontractor shall destroy criminal history record information
7 obtained under this section after the information is used for the
8 purposes authorized by this section [~~that relates to a person after~~
9 ~~the information is used to make an employment decision or to take a~~
10 ~~personnel action relating to the person who is the subject of the~~
11 ~~information~~].

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

15 SECTION 62. Section [411.1408](#), Government Code, is amended
16 by amending Subsections (b) and (c) and adding Subsections (b-1)
17 and (d) to read as follows:

18 (b) The commission is entitled to obtain [~~from the~~
19 ~~department~~] criminal history record information as provided by
20 Subsection (b-1) [~~maintained by the department~~] that relates to a
21 person who is an applicant for or the holder of a certificate,
22 registration, or license issued by the commission or otherwise
23 under Subtitle L, Title 2.

24 (b-1) Subject to Section [411.087](#) and consistent with the
25 public policy of this state, the commission 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) The commission 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). Criminal
9 history record information obtained by the commission under
10 Subsection (b-1)(2) [~~(b)~~]:

11 (1) may be used by the commission for any purpose
12 related to the issuance, denial, suspension, revocation, or renewal
13 of a certificate, registration, or license issued by the commission
14 or otherwise under Subtitle L, Title 2; and

15 (2) may not be released or disclosed to any person
16 except:

17 (A) on court order; or

18 (B) [~~with the consent of the person who is the~~
19 ~~subject of the information; or~~

20 [~~(C)~~] as authorized by Section [411.1386](#)(a-6) of
21 this code or Section [1104.404](#), Estates Code, if applicable[~~, and~~

22 [~~(3) shall be destroyed by the commission after the~~
23 ~~information is used for the authorized purposes]~~.

24 (d) The commission shall destroy criminal history record
25 information that is obtained under this section after the
26 information is used for its authorized purpose.

27 SECTION 63. Section [411.1409](#), Government Code, is amended

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

3 (b) An appellate court is entitled to obtain [~~from the~~
4 ~~department~~] criminal history record information as provided by
5 Subsection (b-1) [~~maintained by the department~~] that relates to a
6 person who is an applicant for:

- 7 (1) employment with the court;
8 (2) a volunteer position with the court; or
9 (3) an appointment made by the court.

10 (b-1) Subject to Section 411.087 and consistent with the
11 public policy of this state, the court is entitled 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 (b); 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 (b).

19 (c) Criminal history record information obtained by the
20 court under this section [~~Subsection (b)~~] may be used only to
21 evaluate an applicant.

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

1 ~~record information].~~

2 (e) The ~~[After the expiration of any probationary term of~~
3 ~~the person's employment, volunteer status, or appointment, the]~~
4 court shall destroy ~~[all]~~ criminal history record information
5 obtained under this section after the information is used for its
6 authorized purpose ~~[Subsection (b)]~~.

7 SECTION 64. Subchapter F, Chapter 411, Government Code, is
8 amended by adding Section 411.14101 to read as follows:

9 Sec. 411.14101. ACCESS TO CRIMINAL HISTORY RECORD
10 INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this
11 section, "office" means the State Office of Administrative
12 Hearings.

13 (b) The office is entitled to obtain criminal history record
14 information as provided by Subsection (c) that relates to a person
15 who is:

16 (1) an employee of, or an applicant for employment
17 with, the office; or

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

20 (c) Subject to Section 411.087 and consistent with the
21 public policy of this state, the office is 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 (b); 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 (b).

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

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

12 SECTION 65. Subchapter F, Chapter 411, Government Code, is
13 amended by adding Section 411.14102 to read as follows:

14 Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD
15 INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The
16 Texas Board of Architectural Examiners is entitled to obtain
17 criminal history record information as provided by Subsection (b)
18 that relates to:

19 (1) a person who is:

20 (A) an applicant for an architectural
21 registration under Chapter 1051, Occupations Code; or

22 (B) the holder of an architectural registration
23 under that chapter;

24 (2) a person who is:

25 (A) an applicant for a landscape architectural
26 registration under Chapter 1052, Occupations Code; or

27 (B) the holder of a landscape architectural

1 registration under that chapter; or

2 (3) a person who is:

3 (A) an applicant for an interior design
4 registration under Chapter 1053, Occupations Code; or

5 (B) the holder of an interior design registration
6 under that chapter.

7 (b) Subject to Section 411.087 of this code and Section
8 1051.3041, Occupations Code, and consistent with the public policy
9 of this state, the Texas Board of Architectural Examiners is
10 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 (c) The Texas Board of Architectural Examiners may not
19 release or disclose to any person criminal history record
20 information obtained from the Federal Bureau of Investigation under
21 Subsection (b)(1). Criminal history record information obtained by
22 the Texas Board of Architectural Examiners under Subsection (b)(2)
23 may not be released or disclosed to any person except on court order
24 or as provided by Subsection (d).

25 (d) The Texas Board of Architectural Examiners is not
26 prohibited from disclosing criminal history record information
27 obtained under Subsection (b)(2) in a criminal proceeding or in a

1 hearing conducted by the Texas Board of Architectural Examiners or
2 the State Office of Administrative Hearings.

3 (e) The Texas Board of Architectural Examiners shall
4 destroy criminal history record information that is obtained under
5 this section after the information is used for its authorized
6 purpose.

7 SECTION 66. Sections 301.2511(a) and (c), Occupations Code,
8 are amended to read as follows:

9 (a) An applicant for a vocational, registered, or advanced
10 practice registered nurse license must submit to the board, in
11 addition to satisfying the other requirements of this subchapter, a
12 complete and legible set of fingerprints, on a form prescribed by
13 the board, for the purpose of obtaining criminal history record
14 information from the Department of Public Safety and the Federal
15 Bureau of Investigation.

16 (c) The board by rule shall develop a system for obtaining
17 criminal history record information for a person accepted for
18 enrollment in a nursing educational program that prepares the
19 person for [~~initial~~] licensure as a vocational, registered, or
20 advanced practice registered [~~or vocational~~] nurse by requiring the
21 person to submit to the board a set of fingerprints that meets the
22 requirements of Subsection (a). The board may develop a similar
23 system for an applicant for enrollment in a nursing educational
24 program. The board may require payment of a fee by a person who is
25 required to submit a set of fingerprints under this subsection.

26 SECTION 67. Section 1101.002, Occupations Code, is amended
27 by adding Subdivision (3-a) to read as follows:

1 (3-a) "Easement or right-of-way agent" means a person
2 who sells, buys, leases, or transfers an easement or right-of-way
3 for another, for compensation or with the expectation of receiving
4 compensation, for use in connection with telecommunication,
5 utility, railroad, or pipeline service.

6 SECTION 68. Section 1101.501, Occupations Code, is amended
7 to read as follows:

8 Sec. 1101.501. CERTIFICATE REQUIRED. A person may not act
9 as an easement or right-of-way agent [~~sell, buy, lease, or transfer~~
10 ~~an easement or right-of-way for another, for compensation or with~~
11 ~~the expectation of receiving compensation, for use in connection~~
12 ~~with telecommunication, utility, railroad, or pipeline service]~~

13 unless the person:

14 (1) holds a license issued under this chapter; or

15 (2) holds a certificate of registration issued under
16 this subchapter.

17 SECTION 69. Section 1101.5041, Occupations Code, is amended
18 to read as follows:

19 Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION
20 REQUIREMENT FOR CERTIFICATE. An applicant for an original
21 certificate of registration as an easement or right-of-way agent or
22 renewal of a certificate of registration as an easement or
23 right-of-way agent must comply with the criminal history record
24 check requirements of Section 1101.3521.

25 SECTION 70. Section 2025.251, Occupations Code, is amended
26 to read as follows:

27 Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED. (a) Except

1 as provided by this section, a person, other than as a spectator or
2 as a person placing a wager, may not participate in [~~racing with~~
3 pari-mutuel racing activities or wagering without first obtaining a
4 license from the commission. A person may not engage in any
5 occupation for which commission rules require a license under this
6 subtitle without first obtaining a license from the commission.

7 (b) The commission [~~by rule~~] shall [~~categorize the~~
8 ~~occupations of racetrack employees and~~] determine the occupations
9 that afford [~~the employee~~] an opportunity to influence racing with
10 pari-mutuel wagering, including individuals who [~~. The rules must~~
11 ~~require an employee to be licensed under this subtitle if the~~
12 ~~employee~~]:

13 (1) work [~~works~~] in an occupation as an employee,
14 contractor, or volunteer [~~determined by the commission~~] to afford
15 the individual [~~employee~~] an opportunity to influence racing with
16 pari-mutuel wagering; or

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

20 (c) Notwithstanding Subsection (b), the following
21 individuals require a criminal history background check before an
22 occupational license is issued: commissioners, regulatory
23 employees and contractors hired by the commission, racetrack
24 association employees, training facility employees, and employees
25 of either a recognized horseman's organization or licensed
26 racehorse owners.

27 SECTION 71. The following provisions are repealed:

- 1 (1) Sections 22.0834(g), (i), (k), (m), and (n),
2 Education Code;
- 3 (2) Section 22.08341, Education Code;
- 4 (3) Sections 1104.403, 1104.407, 1104.408, and
5 1104.410, Estates Code;
- 6 (4) Section 411.110(d), Government Code;
- 7 (5) Section 411.122(c), Government Code;
- 8 (6) Sections 411.1386(a-4), (a-5), (d), (f), and (i),
9 Government Code; and
- 10 (7) Section 411.13861(f), Government Code.

11 SECTION 72. This Act takes effect immediately if it
12 receives a vote of two-thirds of all the members elected to each
13 house, as provided by Section 39, Article III, Texas Constitution.
14 If this Act does not receive the vote necessary for immediate
15 effect, this Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 4123 was passed by the House on May 9, 2023, by the following vote: Yeas 139, Nays 3, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4123 on May 26, 2023, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4123 was passed by the Senate, with amendments, on May 24, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor