

By: Guillen

H.B. No. 4123

A BILL TO BE ENTITLED

AN ACT

relating to the dissemination of criminal history record information by the Department of Public Safety.

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

ARTICLE 1. GENERAL PROVISIONS AND DEPARTMENT OF PUBLIC SAFETY

SECTION 1.01. This Act pertains to the authority for Texas and national criminal history record information to be released to state agencies and those agencies' handling of the information.

SECTION 1.02. Section 411.082(2) - (6), Government Code, is amended to add new section (2) and renumber subsequent sections accordingly to read as follows:

(2) "Applicant" means an individual who submits an application for employment, licensure, certification, or registration which requires a background check using criminal history record information by the department.

(3) "Application" means an individual who submits an application either by hard copy or electronically for employment, licensure, certification, or registration which requires a background check using criminal history record information by the department.

(24) "Criminal history record information" means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, ~~informations,~~ and other formal

1 criminal charges and their dispositions. The term does not
2 include:

3 (A) identification information, including
4 fingerprint records, to the extent that the identification
5 information does not indicate involvement of the person in the
6 criminal justice system; or

7 (B) driving record information maintained by the
8 department under Subchapter C, Chapter 521, Transportation Code.

9 (~~35~~) "Criminal justice agency" means:

10 (A) a federal or state agency that is engaged in
11 the administration of criminal justice under a statute or executive
12 order and that allocates a substantial portion of its annual budget
13 to the administration of criminal justice; or

14 (B) a nongovernmental railroad or campus police
15 department that has obtained an originating agency identifier from
16 the Federal Bureau of Investigation.

17 (~~46~~) "Criminal justice purpose" means:

18 (A) an activity that is included in the
19 administration of criminal justice; or

20 (B) screening of applicants for employment with a
21 criminal justice agency.

22 (~~57~~) "Office of capital and forensic writs" means the
23 office of capital and forensic writs established under Subchapter
24 B, Chapter 78.

25 (~~68~~) "Public defender's office" has the meaning
26 assigned by Article 26.044(a), Code of Criminal Procedure.

27 Section 1.03. Section 411.891, Government Code, is amended

1 to read as follows:

2 Sec. 411.0891. DEPARTMENT ACCESS TO CRIMINAL HISTORY RECORD
3 INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS. (a) Subject to
4 Section 411.087, the department is authorized to obtain and use
5 criminal history record information maintained by the Federal
6 Bureau of Investigation or the department that relates to a person
7 who:

8 (1) is an applicant for or holds a registration issued
9 by the director under Subchapter C, Chapter 481, Health and Safety
10 Code, that authorizes the person to manufacture, distribute,
11 analyze, or conduct research with a controlled substance;

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

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

20 (4) is an applicant for or holds certification by the
21 department as an inspection station or an inspector under
22 Subchapter G, Chapter 548, Transportation Code, holds an inspection
23 station or inspector certificate issued under that subchapter, or
24 is the owner of an inspection station operating under that chapter;
25 or

26 (5) is an applicant for or holds a certificate of
27 registration issued by the department under Chapter 1956,

1 Occupations Code, to act as a metal recycling entity.

2 (6) is an applicant for or holds a license to carry a
3 handgun issued by the department under Subchapter H, Chapter 411,
4 Government Code, or is an applicant for or holds a certification as
5 an instructor issued by the department under that chapter;

6 (7) is an applicant for or holds a capitol access pass
7 issued by the department under Section 411.0625, Government Code;

8 (8) is an applicant for or holds a license or
9 commission issued by the department under Chapter 1702,
10 Occupations Code;

11 (b) The department may release or disclose Texas criminal
12 history record information obtained or used by the department for a
13 purpose described by Subsection (a) to another person or agency
14 only:

15 (1) in a criminal proceeding;

16 (2) in a hearing conducted by the department;

17 (3) under an order from a court; or

18 (4) with the consent of the person who is the subject
19 of the criminal history record information.

20 (c) This section may not be construed to limit the authority
21 of the department to disseminate criminal history record
22 information as provided by Section 411.083.

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

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

3 (e) Criminal history record information obtained from the
4 Federal Bureau of Investigation shall not be disseminated.

5 Section 1.04. Section 411.122(d), Government Code, is
6 amended to read as follows:

7 (d) The following state agencies are subject to this
8 section:

9 (1) Texas Appraiser Licensing and Certification
10 Board;

11 (2) Texas Board of Architectural Examiners;

12 (3) Texas Board of Chiropractic Examiners;

13 (4) State Board of Dental Examiners;

14 (5) Texas Board of Professional Engineers;

15 (6) Texas Funeral Service Commission;

16 (7) Texas Board of Professional Geoscientists;

17 (8) Health and Human Services Commission, except as
18 provided by Section 411.110, and agencies attached to the
19 commission;

20 (9) Texas Board of Professional Land Surveying;

21 (10) Texas Department of Licensing and Regulation,
22 except as provided by Section 411.093;

23 (11) Texas Commission on Environmental Quality;

24 (12) ~~Texas Board~~ Executive Council of Physical Therapy
25 and Occupational Therapy Examiners;

26 (13) Texas Optometry Board;

27 (14) Texas State Board of Pharmacy;

- 1 (15) ~~Texas Board of Physical Therapy Examiners;~~
2 ~~(16)~~ Texas State Board of Plumbing Examiners;
3 (176) Texas Behavioral Health Executive Council;
4 (187) Texas Real Estate Commission;
5 (19) Texas Department of Transportation;
6 (2018) State Board of Veterinary Medical Examiners;
7 (2119) Texas Department of Housing and Community
8 Affairs;
9 (220) secretary of state;
10 (231) state fire marshal;
11 (242) Texas Education Agency;
12 (253) Department of Agriculture; and
13 (264) Texas Department of Motor Vehicles.

14 ARTICLE 2. TEXAS APPRAISAL DISTRICT, APPOINTMENT TO APPRAISAL
15 REVIEW BOARD, AND TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

16 SECTION 2.01. Section [411.1296](#), Government Code, is amended
17 to read as follows:

18 Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD
19 INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT, ~~AND~~ APPOINTMENT TO
20 APPRAISAL REVIEW BOARD, AND APPLICANT TO TEXAS APPRAISER LICENSING
21 AND CERTIFICATION BOARD. (a) Except as provided by Subsection (b),
22 an appraisal district established by Section [6.01](#), Tax Code and the
23 Texas Appraiser Licensing and Certification Board, ~~is~~ are entitled
24 to obtain from the department criminal history record information
25 maintained by the department that relates to a person who is an
26 applicant for employment by the appraisal district, ~~or for~~
27 appointment to the appraisal review board for the appraisal

1 district, or a license or certification as an appraiser trainee,
2 licensed residential appraiser, certified residential appraiser,
3 certified general appraisal, or an appraisal management company
4 regulated by the Texas Appraiser Licensing and Certification
5 Board.

6 (b) An appraisal district is not entitled to obtain under
7 this section any information about a person if the appraisal
8 district is entitled to obtain under another section of this
9 subchapter any criminal history record information about the
10 person.

11 (c) The appraisal district may provide Texas criminal
12 history record information obtained under this section to the local
13 administrative district judge or to the appraisal review board
14 commissioners appointed by the local administrative district
15 judge.

16 (d) Texas criminal history record information obtained by
17 an appraisal district or the Texas Appraiser Licensing and
18 Certification Board under Subsection (a) related to an applicant
19 for employment by the appraisal district, appointment to the
20 appraisal review board for the appraisal district, or a license or
21 certification as an appraiser trainee, licensed residential
22 appraiser, certified residential appraiser, certified general
23 appraisal, or an appraisal management company regulated by the
24 Texas Appraiser Licensing and Certification Board may not be
25 released or disclosed to any person except on court order, with the
26 written consent of the person or entity that is the subject of the
27 criminal history record information, or as provided by Subsection

1 (c).

2 (e) After an individual is employed, licensed, or certified
3 as described in this section, an appraisal district or the Texas
4 Appraiser Licensing and Certification Board shall destroy the
5 criminal history record information that relates to that
6 individual. An appraisal district or the Texas Appraiser Licensing
7 and Certification Board shall destroy the criminal history record
8 information that relates to:

9 (1) an applicant for licensure under (a);

10 (2) an applicant for employment with an appraisal
11 district or the Texas Appraiser Licensing and Certification Board
12 after that applicant is employed or, for an applicant who is not
13 employed, after the check of the criminal history record
14 information on that applicant is completed.

15 (f) An appraisal district or the Texas Appraiser Licensing
16 and Certification Board shall destroy criminal history record
17 information that relates to an applicant who is not licensed or
18 employed, as applicable.

19 (g) An appraisal district or the Texas Appraiser Licensing
20 and Certification Board is not prohibited from disclosing Texas
21 criminal history record information obtained under Subsection (a)
22 in a criminal proceeding or in a hearing conducted by an appraisal
23 district or the Texas Appraiser Licensing and Certification Board.

24 (h) In accordance with Section 411.087, an appraisal
25 district or the Texas Appraiser Licensing and Certification Board
26 may obtain criminal history record information from the Federal
27 Bureau of Investigation identification division through the

1 department.

2 (i) Criminal history record information obtained by the
3 Federal Bureau of Investigation shall not be disseminated.

4 ARTICLE 3. TEXAS BOARD OF ARCHITECTURAL EXAMINERS

5 SECTION 3.01. Chapter 411, Government Code, is amended by
6 adding Section 411.### to read as follows:

7 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD
8 INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The Texas
9 Board of Architectural Examiners is entitled to obtain from the
10 department criminal history record information maintained by the
11 department that relates to:

12 (1) a person who is:

13 (A) an applicant for an architectural
14 registration under Texas Occupations Code Chapter 1051; or

15 (B) the holder of an architectural registration
16 under that Chapter;

17 (2) a person who is:

18 (A) an applicant for a landscape architectural
19 registration under Texas Occupations Code Chapter 1052; or

20 (B) the holder of a landscape architectural
21 registration under that Chapter; or

22 (3) a person who is:

23 (A) an applicant for an interior design
24 registration under Texas Occupations Code Chapter 1053; or

25 (B) the holder of an interior design registration
26 under that Chapter.

27 (b) Texas criminal history record information obtained by

1 the Texas Board of Architectural Examiners under Subsection (a) may
2 not be released or disclosed to any person except on court order or
3 as provided by Subsection (f).

4 (c) After a person is registered, the Texas Board of
5 Architectural Examiners shall destroy the criminal history record
6 information that relates to that person.

7 (d) If the Texas Board of Architectural Examiners receives
8 updated criminal history record information from the department
9 that relates to a person who holds an architectural, landscape
10 architectural, or interior design registration, the Texas Board of
11 Architectural Examiners shall destroy the criminal history record
12 information after the check of the criminal history record
13 information on that registration holder is completed.

14 (e) The Texas Board of Architectural Examiners shall
15 destroy criminal history record information that relates to an
16 applicant who is not registered.

17 (f) The Texas Board of Architectural Examiners is not
18 prohibited from disclosing criminal history record information
19 obtained under Subsection (a) in a criminal proceeding or in a
20 hearing conducted by the Texas Board of Architectural Examiners or
21 the State Office of Administrative Hearings, as applicable.

22 (g) In accordance with Section [411.087](#) and/or Texas
23 Occupations Code Section [1051.3041](#), the Texas Board of
24 Architectural Examiners shall obtain criminal history record
25 information from the Federal Bureau of Investigation
26 identification division for all applicants and holders of
27 architectural, landscape architectural, and interior design

1 registrations.

2 (h) Criminal history record information obtained by the
3 Federal Bureau of Investigation shall not be disseminated.

4 ARTICLE 4. HEALTH AND HUMAN SERVICES COMMISSION: OFFICE OF
5 INSPECTOR GENERAL

6 SECTION 4.01. Section 411.1143, Government Code, is amended
7 to read as follows:

8 Sec. 411.1143. ACCESS TO CRIMINAL HISTORY RECORD
9 INFORMATION; AGENCIES OPERATING PART OF MEDICAL ASSISTANCE
10 PROGRAM. (a) The Health and Human Services Commission, an agency
11 operating part of the medical assistance program under Chapter 32,
12 Human Resources Code, or the office of inspector general
13 established under Chapter 531, Government Code, is entitled to
14 obtain from the department the criminal history record information
15 maintained by the department that relates to a provider under the
16 medical assistance program or a person applying to enroll as a
17 provider under the medical assistance program.

18 (a-1) Criminal history record information an agency or the
19 office of inspector general is authorized to obtain under
20 Subsection (a) includes criminal history record information
21 relating to:

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

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

27 (b) Texas criminal history record information obtained by

1 the commission or an agency under Subsection (a):

2 (1) may not be released or disclosed to any person
3 except in a criminal proceeding, in an administrative proceeding,
4 on court order, or with the written consent of the provider or
5 applicant; and

6 (2) must be destroyed after it has been used to
7 determine the eligibility of the provider or applicant to be a
8 provider under Chapter 32, Human Resources Code.

9 (c) In accordance with Section 411.087, the commission or an
10 agency under Subsection (a) may obtain criminal history record
11 information from the Federal Bureau of Investigation
12 identification division.

13 (d) Criminal history record information obtained by the
14 Federal Bureau of Investigation shall not be disseminated.

15 ARTICLE 5. STATE OFFICE OF ADMINISTRATIVE HEARINGS

16 SECTION 5.01. Subchapter F, Chapter 411, Government Code,
17 is amended by adding Section 411.1411 to read as follows:

18 Sec. 411.1411. ACCESS TO CRIMINAL HISTORY RECORD
19 INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this
20 section, "office" means the State Office of Administrative
21 Hearings.

22 (b) The office is entitled to obtain from the department
23 criminal history record information maintained by the department
24 that relates to a person who is:

25 (1) an employee of, or an applicant for employment
26 with, the office;

27 (2) a contractor, volunteer, or intern of the office,

1 or an applicant to serve in one of those capacities; or

2 (3) a current or proposed contractor or subcontractor
3 of the office.

4 (c) Texas criminal history record information obtained by
5 the office under Subsection (b) may not be released or disclosed to
6 any person except by court order or with the written consent of the
7 person who is the subject of the criminal history record
8 information.

9 (d) The office shall destroy criminal history record
10 information obtained under Subsection (b) that relates to:

11 (1) an applicant for employment after that applicant
12 is employed or, for an applicant who is not employed, after a final
13 employment determination on that applicant is made; or

14 (2) an employee, contractor, volunteer, or intern of
15 the office, after the check of the criminal history record
16 information on that person or entity is completed.

17 (e) In accordance with Section 411.087, the office may
18 obtain criminal history information from the Federal Bureau of
19 Investigation identification division.

20 (f) Criminal history record information obtained by the
21 office from the Federal Bureau of Investigation shall not be
22 disseminated.

23 ARTICLE 6. TEXAS ALCOHOLIC BEVERAGE COMMISSION

24 SECTION 6.01. Chapter 411, Government Code, is amended by
25 adding Section 411.XXX to read as follows:

26 Sec. 411.XXX. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION
27 OF THE FEDERAL BUREAU OF INVESTIGATION: TEXAS ALCOHOLIC BEVERAGE

1 COMMISSION. (a) Subject to Section 411.087 and Public Law 92-544,
2 the Texas Alcoholic Beverage Commission is authorized to obtain and
3 use criminal history record information maintained by the Federal
4 Bureau of Investigation that relates to a person who is an applicant
5 for or holds a license, permit, or certificate under the Texas
6 Alcoholic Beverage Code.

7 (b) Criminal history record information obtained by the
8 commission under this section may only be released or disclosed as
9 provided in Section 411.084(b).

10 (c) This section may not be construed to limit the
11 commission's ability to obtain criminal history record information
12 for criminal justice purposes or as otherwise authorized by other
13 law.

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

20 ARTICLE 7. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

21 SECTION 7.01. Chapter 411, Government Code, is amended by
22 adding Section 411.XXX to read as follows:

23 SECTION 411.XXX. ACCESS TO CRIMINAL HISTORY RECORD
24 INFORMATION: TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. (a) The
25 executive council is entitled to obtain from the Department of
26 Public Safety of the State of Texas, criminal history record
27 information maintained by the department that relates to a person

1 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 of the Occupations Code;

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

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

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

14 (b) Texas criminal history record information obtained by
15 the executive council under subsection (a) may not be released or
16 disclosed to any person except on court order, with the written
17 consent of the person that is the subject of the criminal history
18 record information, or as provided by Subsection (f).

19 (c) After a person is licensed, the executive council shall
20 destroy the criminal history record information that relates to
21 that person.

22 (d) The executive council shall destroy criminal history
23 record information that relates to an applicant who is not
24 licensed.

25 (e) After a license has been renewed or denied renewal, the
26 executive council shall destroy criminal history record
27 information that relates to the license holder renewing or

1 attempting to renew the license.

2 (f) The executive council is not prohibited from disclosing
3 criminal history record information obtained under Subsection (a)
4 in a criminal proceeding or in a hearing conducted by the executive
5 council or State Office of Administrative Hearings.

6 (g) In accordance with Section 411.087 of the Government
7 Code, the executive council shall obtain criminal history record
8 information from the Federal Bureau of Investigation
9 identification division by fingerprint submission.

10 (h) Criminal history record information obtained from the
11 Federal Bureau of Investigation shall not be disseminated.

12 ARTICLE 8. TEXAS DEPARTMENT OF MOTOR VEHICLES

13 SECTION 8.01. Chapter 411, Government Code, is amended by
14 adding Section 411.### to read as follows:

15 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD
16 INFORMATION: TEXAS DEPARTMENT OF MOTOR VEHICLES. (a) The Texas
17 Department of Motor Vehicles is entitled to obtain from the
18 department criminal history record information maintained by the
19 department that relates to a person who is:

20 (1) an applicant for or holds a general distinguishing
21 number under Chapter 503, Transportation Code;

22 (2) an applicant for or holds a license under Chapter
23 2301 or Chapter 2302, Occupations Code; or

24 (3) an officer, director, member, manager, principal,
25 partner, trustee, or other person acting in a representative
26 capacity for an applicant, general distinguishing number holder, or
27 license holder and whose act or omission would be cause for denying,

1 revoking, or suspending a general distinguishing number or license
2 issued under Chapter 503, Transportation Code or Chapter 2301 or
3 Chapter 2302, Occupations Code.

4 (b) Texas criminal history record information obtained by
5 the Texas Department of Motor Vehicles under Subsection (a) may not
6 be released or disclosed to any person except on court order, with
7 the written consent of the person or entity that is the subject of
8 the criminal history record information, or as provided by
9 Subsection (c).

10 (c) The Texas Department of Motor Vehicles is not prohibited
11 from disclosing Texas criminal history record information obtained
12 under Subsection (a) in a criminal proceeding or in a hearing in
13 which the Texas Department of Motor Vehicles is a party.

14 (d) In accordance with Section 411.087, the Texas
15 Department of Motor Vehicles may obtain criminal history record
16 information from the Federal Bureau of Investigation
17 identification division.

18 (e) Criminal history record information obtained from the
19 Federal Bureau of Investigation shall not be disseminated.

20 ARTICLE 9. TEXAS REAL ESTATE COMMISSION

21 SECTION 9.01. Chapter 411, Government Code, is amended by
22 adding Section 411.### to read as follows:

23 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD
24 INFORMATION: TEXAS REAL ESTATE COMMISSION AND TEXAS APPRAISER
25 LICENSING AND CERTIFICATION BOARD. (a) In this section:

26 (1) "Commission" means the Texas Real Estate
27 Commission.

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

3 (b) The commission is entitled to obtain from the department
4 criminal history record information maintained by the department
5 that relates to:

6 (1) an applicant for an initial broker or sales agent
7 license or renewal of a broker or sales agent license under Chapter
8 1101, Occupations Code;

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

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

18 (c) The board is entitled to obtain from the department
19 criminal history record information maintained by the department
20 that relates to:

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

27 (2) an applicant for registration or renewal of a

1 registration as an appraisal management company under Chapter 1104,
2 Occupations Code.

3 (d) Neither the commission or the board is prohibited from
4 disclosing Texas criminal history record information obtained
5 under Subsections (b) or (c) in a criminal proceeding or in a
6 hearing conducted by the State Office of Administrative Hearings.

7 (e) In accordance with Section 411.087, and Sections
8 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031
9 Occupations Code, both the commission and board may obtain criminal
10 history record information from the Federal Bureau of Investigation
11 identification division.

12 (f) Criminal history record information obtained by the
13 Federal Bureau of Investigation shall not be disseminated.

14 SECTION 9.02. Sec. 1101.002, Occupations Code, is amended
15 by adding new subdivision (3-a) as follows:

16 (3-a) "Easement or right-of-way agent" means a person
17 who sells, buys, leases, or transfers an easement or right-of-way
18 for another, for compensation or with the expectation of receiving
19 compensation, for use in connection with telecommunication,
20 utility, railroad, or pipeline service.

21 SECTION 9.03. Sec. 1101.501, Occupations Code, is amended
22 as follows:

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

1 unless the person:

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

3 (2) holds a certificate of registration issued under
4 this subchapter.

5 SECTION 9.04. Sec. [1101.5041](#), Occupations Code, is amended
6 as follows:

7 Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION
8 REQUIREMENT FOR CERTIFICATE. An applicant for an original
9 certificate of registration as an easement or right-of-way agent or
10 renewal of a certificate of registration as an easement or
11 right-of-way agent must comply with the criminal history record
12 check requirements of Section [1101.3521](#).

13 ARTICLE 10. TEXAS STATE BOARD OF PLUMBING EXAMINERS

14 SECTION 10.01. Chapter [411](#), Government Code, is amended by
15 adding Section 411.XXX to read as follows:

16 Sec. 411.XXX. ACCESS TO CRIMINAL HISTORY RECORD
17 INFORMATION: Texas State Board of Plumbing Examiners. (a) The
18 Texas State Board of Plumbing Examiners is entitled to obtain from
19 the department criminal history record information maintained by
20 the department that relates to an applicant for a license,
21 registration, endorsement, or certificate under Chapter [1301](#),
22 Texas Occupations Code, Plumbing License Law (PLL) including Master
23 Plumber, Journeyman Plumber, Plumbing Inspector, Tradesman-Plumber
24 Limited, Plumber's Apprentice, Medical Gas Piping Installation
25 Endorsement, Multipurpose Residential Fire Protection Sprinkler
26 Specialist Endorsement, and Water Supply Protection Specialist
27 Endorsement.

1 (b) Texas criminal history record information obtained by
2 the Texas State Board of Plumbing Examiners under Subsection (a)
3 may not be released or disclosed to any person except on court
4 order, with the written consent of the person or entity that is the
5 subject of the criminal history record information, or as provided
6 by Subsection (e).

7 (c) After the applicant is licensed, registered, endorsed,
8 or certified, the Texas State Board of Plumbing Examiners shall
9 destroy the criminal history record information that relates to
10 that applicant.

11 (d) The Texas State Board of Plumbing Examiners may destroy
12 criminal history record information that relates to an applicant
13 who is not licensed, registered, endorsed, or certified, as
14 applicable.

15 (e) The Texas State Board of Plumbing Examiners is not
16 prohibited from disclosing Texas criminal history record
17 information obtained under Subsection (a) in a criminal proceeding
18 or in a hearing conducted by the Texas State Board of Plumbing
19 Examiners.

20 (f) In accordance with Section [411.087](#) and Chapter [1301](#),
21 Texas Occupations Code, the Texas State Board of Plumbing Examiners
22 shall obtain criminal history record information from the Federal
23 Bureau of Investigation identification division.

24 (g) Criminal history record information obtained by the
25 Federal Bureau of Investigation shall not be disseminated.

26 ARTICLE 11. TEXAS BOARD OF CHIROPRACTIC EXAMINERS

27 SECTION 11.01. Chapter [411](#), Government Code, is amended by

1 adding Section 411.XXX to read as follows:

2 Sec. 411.XXX. ACCESS TO CRIMINAL HISTORY RECORD
3 INFORMATION: TEXAS BOARD OF CHIROPRACTIC EXAMINERS. (a) The Texas
4 Board of Chiropractic Examiners are entitled to obtain from the
5 department criminal history record information maintained by the
6 department that relates to:

7 (1) a person who is an applicant for a license or
8 registration under Texas Occupations Code Chapter 201; or

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

11 (b) Texas criminal history record information obtained by
12 the Texas Board of Chiropractic Examiners under Subsection (a) may
13 not be released or disclosed to any person except on court order,
14 with the written consent of the person or entity that is the subject
15 of the criminal history record information, or as provided by
16 Subsection (e).

17 (c) After an entity is licensed or registered, the Texas
18 Board of Chiropractic Examiners shall destroy the criminal history
19 record information that relates to that entity.

20 (d) The Texas Board of Chiropractic Examiners shall destroy
21 criminal history record information that relates to an applicant
22 who is not licensed or registered, as applicable.

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

1 (f) In accordance with Section 411.087, the Texas Board of
2 Chiropractic Examiners shall obtain criminal history record
3 information from the Federal Bureau of Investigation
4 identification division.

5 (g) Criminal history record information obtained by the
6 Federal Bureau of Investigation shall not be disseminated.

7 ARTICLE 12. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

8 SECTION 12.01. Section 411.105, Government Code, is amended
9 to read as follows:

10 Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD
11 INFORMATION: TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. (a) The
12 Texas State Board of Public Accountancy is entitled to obtain from
13 the department and the Federal Bureau of Investigation, pursuant to
14 901.169 of the Public Accountancy Act, Chapter 901 Occupations
15 Code, criminal history record information maintained by the
16 department and the Federal Bureau of Investigation that relates to a
17 person who is:

18 (1) an individual, pursuant to Chapter 901 of the
19 Occupations Code, who is:

20 (A) an applicant for certification as a certified
21 public accountant under Chapter 901, Occupations Code, or an
22 applicant to take the uniform CPA examination under that Act;

23 (B) an applicant to be certified;

24 (C) an applicant to be licensed;

25 (D) an applicant to be reinstated;

26 (E) an applicant to have a license renewed;

27 (F) an applicant to become a non-CPA owner of a

1 CPA firm; or

2 (G) a license holder or non-CPA owner of a CPA
3 firm.

4 (b) Texas criminal history record information obtained by
5 the board under Subsection (a) shall not be released or disclosed to
6 any person except on court order, with the written consent of the
7 person that is the subject of the criminal history record
8 information, or as provided by Subsection (d).

9 (c) After an individual's application is approved or
10 denied, or an investigation completed, the board shall destroy the
11 criminal history record information that relates to that
12 individual.

13 (d) The board is not prohibited from disclosing Texas
14 criminal history record information obtained under Subsection (a)
15 in a criminal proceeding or in a hearing conducted by or on behalf
16 of the board.

17 (e) Criminal history record information obtained by the
18 Federal Bureau of Investigation shall not be disseminated.

19 ARTICLE 13. TEXAS OPTOMETRY BOARD

20 SECTION 13.01. Chapter 411, Government Code, is amended by
21 adding Section 411. ### to read as follows:

22 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD
23 INFORMATION: Texas Optometry Board. (a) The Texas Optometry Board
24 is entitled to obtain from the department criminal history record
25 information maintained by the department that relates to:

26 (1) a person who is:

27 (A) an applicant for a license under Section

1 351.251, Texas Occupations Code; or

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

4 (b) Texas criminal history record information obtained by
5 the Texas Optometry Board under Subsection (a) shall not be
6 released or disclosed to any person except on court order, with the
7 written consent of the person or entity that is the subject of the
8 criminal history record information, or as provided by Subsection
9 (e).

10 (c) After a person is licensed, the Texas Optometry Board
11 shall destroy the criminal history record information that relates
12 to that person.

13 (d) The Texas Optometry Board shall destroy criminal
14 history record information that relates to an applicant who is not
15 licensed, as applicable.

16 (e) The Texas Optometry Board is not prohibited from
17 disclosing Texas criminal history record information obtained
18 under Subsection (a) in a criminal proceeding or in a hearing
19 conducted by the Texas Optometry Board.

20 (g) In accordance with Section 411.087, Sec. 351.2525,
21 Texas Occupations Code, and Sec. 351.3045, Texas Occupations Code,
22 the Texas Optometry Board shall obtain criminal history record
23 information from the Federal Bureau of Investigation
24 identification division.

25 (h) Criminal history record information obtained by the
26 Federal Bureau of Investigation shall not be disseminated.

1 ARTICLE 14. EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL
2 THERAPY EXAMINERS

3 SECTION 14.01. Chapter 411, Government Code, is amended by
4 adding Section 411.XXX to read as follows:

5 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD
6 INFORMATION: EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND
7 OCCUPATIONAL THERAPY EXAMINERS.

8 (a) The Executive Council of Physical Therapy and
9 Occupational Therapy Examiners is entitled to obtain from the
10 department criminal history record information maintained by the
11 department that relates to a person who is:

12 (1) an applicant for or the holder of a physical
13 therapist or physical therapist assistant license under Chapter
14 453, Occupations Code; or

15 (2) an applicant for or the holder of an occupational
16 therapist or occupational therapy assistant license under Chapter
17 454, Occupations Code.

18 (b) Texas criminal history record information obtained by
19 the Executive Council of Physical Therapy and Occupational Therapy
20 Examiners under Subsection (a) may not be released or disclosed to
21 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 (f).

24 (c) After a person is licensed, the Executive Council of
25 Physical Therapy and Occupational Therapy Examiners shall destroy
26 the criminal history record information that relates to that
27 person.

1 (d) The Executive Council of Physical Therapy and
2 Occupational Therapy Examiners shall destroy criminal history
3 record information that relates to an applicant who is not
4 licensed.

5 (e) After a license has been renewed or denied renewal, the
6 Executive Council of Physical Therapy and Occupational Therapy
7 Examiners shall destroy criminal history record information that
8 relates to the license holder who is renewing or attempting to renew
9 the license.

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

16 (g) In accordance with Section 411.087, the Executive
17 Council of Physical Therapy and Occupational Therapy Examiners
18 shall obtain criminal history record information from the Federal
19 Bureau of Investigation identification division.

20 (h) Criminal history record information obtained by the
21 Federal Bureau of Investigation shall not be disseminated.

22 ARTICLE 15. HEALTH AND HUMAN SERVICES

23 SECTION 15.01. Section 411.110, Government Code, is amended
24 to read as follows:

25 Sec. 411.110. ACCESS TO CRIMINAL HISTORY RECORD
26 INFORMATION: DEPARTMENT OF STATE HEALTH SERVICES AND HEALTH AND
27 HUMAN SERVICES COMMISSION. (a) The Department of State Health

1 Services and the Health and Human Services Commission are entitled
2 to obtain from the department criminal history record information
3 maintained by the department that relates to a person who is
4 required to be fingerprinted and:

5 (1) ~~the a person who~~ is:

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

9 (B) an owner or manager of an applicant for an
10 emergency medical services provider license under that Act; or

11 (C) the holder of a license or certificate under
12 that Act;

13 (2) is an applicant for a license or a license holder
14 under Subchapters I, L or N, Chapter 431, Health and Safety Code;

15 (3) is an applicant for employment at or current
16 employee of:

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

19 (B) the South Texas Health Care System;

20 (4) is an applicant for employment at, current
21 employee of, or person who contracts or may contract to provide
22 goods or services with the Council on Sex Offender Treatment or
23 other division or component of the Health and Human Services
24 Commission that monitors sexually violent predators as described by
25 Section 841.003(a), Health and Safety Code; ~~or~~

26 (5) is a person authorized to access vital records or
27 the vital records electronic registration system under Chapter 191,

1 Health and Safety Code, including an employee of or contractor for
2 the Department of State Health Services, a local registrar, a
3 medical professional, or a funeral director~~;~~ or

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

6 (b) Texas ~~C~~riminal history record information obtained by
7 the Department of State Health Services or the Health and Human
8 Services Commission under Subsection (a) may not be released or
9 disclosed to any person except:

10 (1) on court order,

11 (2) with the written consent of the person or entity
12 that is the subject of the criminal history record information,

13 (3) by either the Department of State Health Services
14 or the Health and Human Services Commission that is sharing with the
15 other agency information obtained under this section for the
16 purposes authorized by this section; or

17 (4) ~~ex~~ as provided by Subsection (~~ec~~).

18 (c) After an entity is licensed or certified, the Department
19 of State Health Services or the Health and Human Services
20 Commission, as applicable, shall destroy the criminal history
21 record information that relates to that entity. The Department of
22 State Health Services or the Health and Human Services Commission,
23 as applicable, shall destroy the criminal history record
24 information that relates to:

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

1 is completed; or

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

5 (d) The Department of State Health Services or the Health
6 and Human Services Commission, as applicable, shall destroy
7 criminal history record information that relates to an applicant
8 who is not certified or employed, as applicable.

9 (e) The Department of State Health Services or the Health
10 and Human Services Commission is not prohibited from disclosing
11 Texas criminal history record information obtained under
12 Subsection (a) in a criminal proceeding or in a hearing conducted by
13 the Department of State Health Services or the Health and Human
14 Services Commission, as applicable.

15 (f) The Department of State Health Services or the Health
16 and Human Services Commission may not consider offenses described
17 by Section 542.304, Transportation Code, to determine whether to
18 hire or retain an employee or to contract with a person on whom
19 criminal history record information is obtained under this section.

20 (g) In accordance with Section 411.087 and consistent with
21 the public policy of this state, the Department of State Health
22 Services and the Health and Human Services Commission may obtain
23 criminal history record information from the Federal Bureau of
24 Investigation identification division.

25 (h) Criminal history record information obtained by the
26 Federal Bureau of Investigation shall not be disseminated.

27 SECTION 15.02. Section 411.1103, Government Code, is

1 amended to read as follows:

2 Sec. 411.1103 ACCESS TO CRIMINAL HISTORY RECORD
3 INFORMATION: ~~DEPARTMENT OF STATE HEALTH SERVICES AND~~ HEALTH AND
4 HUMAN SERVICES COMMISSION AND PERSONNEL AT STATE HOSPITALS. (a)
5 The ~~Department of State Health Services and the~~ Health and Human
6 Services Commission ~~is~~are entitled to obtain from the department as
7 provided by Subsection (b) criminal history record information
8 maintained by the department that relates to a person:

9 (1) who is required to be fingerprinted and who is:

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

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

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

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

22 (E) an applicant for a volunteer position with a
23 state hospital established under Chapter 552, Health and Safety
24 Code; and

25 (2) who is required to be fingerprinted and who would
26 be placed in direct contact with a patient at a state hospital
27 established under Chapter 552, Health and Safety Code.

1 (b) Subject to Section 411.087 and consistent with the
2 public policy of this state, the [Department of State Health
3 Services and the] Health and Human Services Commission is [are]
4 entitled to:

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

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

12 ~~(b)~~ (c) ~~The Department of State Health Services or the~~
13 ~~Health and Human Services Commission may not release or disclose to~~
14 ~~any entity, public or private, criminal history record information~~
15 ~~obtained under Subsection (b)(1). Texas~~ Criminal history record
16 ~~information obtained by the Department of State Health Services or~~
17 ~~the Health and Human Services Commission under~~ Subsection (b)(2)
18 ~~this section~~ may not be released or disclosed to any person except:

19 (1) on court order;

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

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

26 (4) as provided by Subsection (d)~~(c)~~.

27 ~~(c)~~ (d) ~~The Department of State Health Services or the~~ Health

1 and Human Services Commission is not prohibited from releasing
2 criminal history record information obtained under Subsection
3 (d)(2) ~~this section~~ to the person who is the subject of the criminal
4 history record information.

5 (e) The Health and Human Services Commission shall destroy
6 the criminal history record information that relates to:

7 (1) an applicant for employment after that applicant
8 is employed or, for an applicant who is not employed, after the
9 check of the criminal history record information on that applicant
10 is completed;

11 (2) an employee or contractor after the check of the
12 criminal history record information on that employee or contractor
13 is completed; or

14 (3) a volunteer after the check or the criminal
15 history record information is completed.

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

20 SECTION 15.03. Section 411.1105, Government Code, is
21 amended to read as follows:

22 Sec. 411.1105 ACCESS TO CRIMINAL HISTORY RECORD
23 INFORMATION: ~~DEPARTMENT OF STATE HEALTH SERVICES AND~~ HEALTH AND
24 HUMAN SERVICES COMMISSION. (a) The ~~Department of State Health~~
25 ~~Services and the~~ Health and Human Services Commission is~~are~~
26 entitled to obtain from the department as provided by Subsection
27 (b) criminal history record information maintained by the

1 department that relates to a person who is required to be
2 fingerprinted and who is:

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

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

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

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

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

18 (c) In addition to information obtained from the Federal
19 Bureau of Investigation under Section 411.087 and consistent with
20 the public policy of this state, the ~~Department of State Health~~
21 ~~Services and the~~ Health and Human Services Commission ~~is~~ are entitled
22 to obtain information relating to the wanted persons status of an
23 individual listed in Subsection (a).

24 ~~(e)~~ (d) Criminal history record information obtained by the
25 Health and Human Services Commission under Subsection (b)(1) may
26 not be released or disclosed to any other person or entity, public
27 or private. Criminal history record information obtained by the

1 ~~Department of State Health Services or the~~Health and Human Services
2 Commission under Subsection (b)(2) ~~(a)~~ may not be released or
3 disclosed to any person or entity, public or private, except+

4 (1) on court order~~;~~

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

7 (3) as provided by Subsection (e)~~(d)~~.

8 ~~(e)(d)~~ The ~~Department of State Health Services or the~~Health
9 and Human Services Commission~~, as applicable,~~ may provide the
10 applicant or licensee with a copy of the person's criminal history
11 record information obtained from the Department of Public Safety~~,~~
12 ~~Federal Bureau of Investigation identification division,~~ or
13 another law enforcement agency.

14 (f) The Health and Human Services Commission shall destroy
15 the criminal history record information that relates to:

16 (1) an applicant for a chemical dependency counselor's
17 license, a counselor intern's registration, or a clinical
18 supervisor certification under Chapter 504, Occupations Code,
19 under Subsection (a) (1) after the check of the criminal history
20 record information on that applicant is completed; or

21 (2) the holder of a license, registration, or
22 certification under that chapter after the check of the criminal
23 history record information on that holder is completed.

24 (g) This section does not prohibit the Health and Human
25 Services Commission from obtaining and using criminal history
26 record information as provided by other law.

27 SECTION 15.04. Section 411.1106, Government Code, is

1 amended to read as follows:

2 Sec. 411.1106. ACCESS TO CRIMINAL HISTORY RECORD
3 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) In this
4 section, "commission" means the Health and Human Services
5 Commission.

6 (b) The executive commissioner of the commission, or the
7 executive commissioner's designee, is entitled to obtain from the
8 department criminal history record information maintained by the
9 department as provided by Subsection (c) that relates to a person
10 who is required to be fingerprinted and who is:

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

16 (A) the eligibility services division of the
17 commission as established by Section 531.008(d); or

18 (B) the commission's office of inspector general
19 as established by Section 531.008(c)(2) and Subchapter C, Chapter
20 531; or

21 (C) the regulatory services division of the
22 commission as established by Section 531.008(c)(3); or

23 (2) an employee of the commission who has access to
24 sensitive personal or financial information, as determined by the
25 executive commissioner.

26 (c) Subject to Section 411.087 and consistent with the
27 public policy of this state, the commission 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 (b); and

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

8 ~~(c)~~(d) Criminal history record information obtained by the
9 commission under Subsection (c)(1) may not be released or disclosed
10 to any other person or entity, public or private. Criminal history
11 record information obtained by the executive commissioner of the
12 commission, or by the executive commissioner's designee, under
13 Subsection (c)(2) [(b)] may not be released or disclosed, except:

14 (1) if the information is in a public record at the
15 time the information is obtained;

16 (2) on court order;

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

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

20 (5) as provided by Subsection (e) [(d)].

21 ~~(d)~~(e) The commission is not prohibited from disclosing
22 criminal history record information obtained under Subsection
23 ~~(b)(2)~~(c)(2) in a criminal proceeding or in a hearing conducted by
24 the commission.

25 ~~(e)~~(f) The commission shall destroy all criminal history
26 record information obtained under Subsection ~~(b)~~(c) as soon as
27 practicable after the information is used for its authorized

1 purpose.

2 ~~(f)~~(g) This section does not prohibit the commission from
3 obtaining and using criminal history record information as provided
4 by other law.

5 SECTION 15.05. Section [411.1131](#), Government Code, is
6 amended to read as follows:

7 Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD
8 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health
9 and Human Services Commission is entitled to obtain from the
10 department as provided by Subsection (b) criminal history record
11 information maintained by the department that relates to a person
12 who is required to be fingerprinted and who is an applicant for a
13 staff position at an outdoor training program for children who are
14 deaf or hard of hearing conducted by a private entity through a
15 contract with the Health and Human Services Commission in
16 accordance with Section [81.013](#), Human Resources 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 any other criminal justice agency in
24 this state criminal history record information maintained by that
25 criminal justice agency that relates to a person described by
26 Subsection (a).

27 (c) [(b)] Criminal history record information obtained by

1 the Health and Human Services Commission under Subsection (b) [(a)]
2 may be used only to evaluate an applicant for a staff position at an
3 outdoor training program for children who are deaf or hard of
4 hearing. The Health and Human Services Commission may release or
5 disclose the information obtained under Subsection (b)(2) to a
6 private entity described by Subsection (a) for that purpose.

7 (d) [(c)] The Health and Human Services Commission may not
8 release or disclose information obtained under Subsection (b)(1) to
9 any other person or entity, public or private. The Health and Human
10 Services Commission may not release or disclose information
11 obtained under Subsection (b)(2) [(a)], except on court order or
12 with the consent of the person who is the subject of the criminal
13 history record information, and shall destroy all criminal history
14 record information obtained under Subsection (b) [(a)] after the
15 information is used for its authorized purpose.

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

19 SECTION 15.06. Section [411.114](#), Government Code, is amended
20 to read as follows:

21 Sec. 411.114 ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:
22 DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES AND HEALTH AND HUMAN
23 SERVICES COMMISSION. (a)(1) In this subsection:

24 (A) "Child," "child-care facility,"
25 "child-placing agency," "facility," and "family home" have the
26 meanings assigned by Section [42.002](#), Human Resources Code.

27 (A-1) "Department of Family and Protective

1 Services" includes:

2 (i) the Department of Family and Protective
3 Services as authorized by Section 40.002, Human Resources Code; and

4 (ii) any person or entity acting as an
5 authorized agent of the Department of Family and Protective
6 Services.

7 (B) "Elderly person" has the meaning assigned by
8 Section 48.002, Human Resources Code.

9 (D) "Person with a disability" has the meaning
10 assigned by Section 48.002, Human Resources Code.

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

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

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

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

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

1 persons with a disability;

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

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

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

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

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

1 (i) the report alleges the person has
2 engaged in conduct that meets the applicable definition of abuse,
3 neglect, or exploitation under Chapter 261, Family Code, or Chapter
4 48, Human Resources Code; and

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

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

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

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

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

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

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

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

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

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

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

27 (G) a person providing, at the request of the

1 child's parent, in-home care for a child only if the person gives
2 written consent to the release and disclosure of the information;

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

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

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

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

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

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

1 (N) a volunteer or applicant volunteer with a
2 local affiliate in this state of Big Brothers Big Sisters of
3 America;

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

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

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

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

19 (B) obtain from any other criminal justice agency
20 in this state criminal history record information maintained by
21 that criminal justice agency that relates to a person described by
22 Subdivision (2) or (3). Law enforcement entities shall expedite
23 the furnishing of such information to Department of Family and
24 Protective Services workers or Health and Human Services Commission
25 workers, as applicable, to ensure prompt criminal background checks
26 for the safety of alleged victims and Department of Family and
27 Protective Services workers or Health and Human Services Commission

1 workers, as applicable.

2 (5) The Department of Family and Protective Services
3 or the Health and Human Services Commission may not use the
4 authority granted under this section to harass an employee or
5 volunteer. The commissioner of the Department of Family and
6 Protective Services or the executive commissioner of the Health and
7 Human Services Commission, as applicable, shall adopt rules to
8 prevent the harassment of an employee or volunteer through the
9 request and use of criminal records.

10 (6) Criminal history record information obtained by
11 the Department of Family and Protective Services or the Health and
12 Human Services Commission under this subsection may not be released
13 to any person except:

14 (A) on court order;

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

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

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

23 (7) Subject to Subdivision (8), the Department of
24 Family and Protective Services or the Health and Human Services
25 Commission, as applicable, is not prohibited from releasing
26 criminal history record information obtained under this subsection
27 to:

1 (A) the person who is the subject of the criminal
2 history record information;

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

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

10 (i) the alleged perpetrator is the subject
11 of the criminal history record information; and

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

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

21 (i) the alleged perpetrator is the subject
22 of the criminal history record information; and

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

27 (8) The Department of Family and Protective Services

1 or the Health and Human Services Commission may only release to a
2 person described by Subdivision (7)(B), (C), or (D) criminal
3 history record information that that department or commission
4 obtains from the Department of Public Safety's computerized
5 criminal history system.

6 (b) The failure or refusal to provide a complete set of
7 fingerprints or a complete name on request constitutes good cause
8 for dismissal or refusal to hire, as applicable, with regard to a
9 volunteer of or an employee or applicant for permanent or temporary
10 employment with the Department of Family and Protective Services or
11 the Health and Human Services Commission, as applicable, or a
12 facility, home, business, or other entity, if the volunteer
13 position, employment, or potential employment involves direct
14 interaction with or the opportunity to interact and associate with
15 children.

16 (c) The Department of Family and Protective Services or the
17 Health and Human Services Commission, as applicable, may charge an
18 organization or person that requests criminal history record
19 information under Subsection (a)(3) a fee in an amount necessary to
20 cover the costs of obtaining the information on the organization's
21 or person's behalf.

22 SECTION 15.07. Section [411.1142](#), Government Code, is
23 amended to read as follows:

24 Sec. 411.1142. ACCESS TO CRIMINAL HISTORY RECORD: EARLY
25 CHILDHOOD INTERVENTION PROGRAM WITHIN HEALTH AND HUMAN SERVICES
26 COMMISSION. (a) The Early Childhood Intervention program within the
27 Health and Human Services Commission, as established by Chapter [73](#),

1 Human Resources Code, is entitled to obtain criminal history record
2 information as provided by Subsection (b) [maintained by the
3 Department of Public Safety, the Federal Bureau of Investigation
4 identification division, or another law enforcement agency] that
5 relates to an employee or an applicant for permanent, temporary, or
6 consultative employment or for volunteer positions whose
7 employment or potential employment or volunteer position with the
8 program or a local provider involves the delivery of early
9 childhood intervention services or involves direct interactions
10 with or the opportunity to interact and associate with children.

11 (b) Subject to Section 411.087 and consistent with the
12 public policy of this state, the Health and Human Services
13 Commission 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 who
17 is required to be fingerprinted; and

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

22 (c) Criminal history record information obtained by the
23 Health and Human Services Commission under Subsection (b)(1) may
24 not be released or disclosed to any other person or entity, public
25 or private. Criminal history record information obtained by the
26 Health and Human Services Commission under Subsection (b)(2) [(a)]
27 may not be released or disclosed to any person except:

1 (1) on court order; [,]

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

4 (3) as provided by Subsection (e) [(d)].

5 (d) [(c)] The Health and Human Services Commission shall
6 destroy criminal history record information that relates to a
7 person after the information is used for its authorized purpose.

8 (e) [(d)] The Health and Human Services Commission may
9 provide the applicant, employee, professional consultant, or
10 volunteer with a copy of the person's criminal history record
11 information obtained from the Department of Public Safety[, Federal
12 Bureau of Investigation identification division,] or another law
13 enforcement agency.

14 (f) [(e)] The failure or refusal to provide a complete set of
15 fingerprints or a complete name on request constitutes good cause
16 for dismissal or refusal to hire, as applicable, with regard to
17 program employees, professional consultants, and applicants for
18 permanent, temporary, or consultative employment or for volunteer
19 positions whose employment or potential employment or volunteer
20 position with the Health and Human Services Commission or a local
21 provider involves the delivery of early childhood intervention
22 services or involves direct interactions with or the opportunity to
23 interact and associate with children.

24 SECTION 15.08. 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 information
6 maintained by the department that relates to a provider under the
7 medical assistance program or a person applying to enroll as a
8 provider under the medical assistance program.

9 (b) Subject to Section 411.087 and consistent with the
10 public policy of this state, the Health and Human Services
11 Commission and the office of inspector general are 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 Subsection (a) and who is
15 required to be fingerprinted; and

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

20 (c) [(a-1)] Criminal history record information the Health
21 and Human Services Commission [an agency] or the office of
22 inspector general is authorized to obtain under Subsection (a)
23 includes criminal history record information relating to:

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

27 (2) a person whose information is required to be

1 disclosed in accordance with 42 C.F.R. Part 1001.

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

12 (e) The Health and Human Services Commission and the office
13 of inspector general shall destroy criminal history record
14 information obtained under this section after the information is
15 used for its authorized purpose.

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

20 SECTION 15.09. Section [411.1144](#), Government Code, is
21 amended to read as follows:

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

1 history record information maintained by the department that
2 relates to a person:

3 (1) who is required to be fingerprinted and who is:

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

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

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

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

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

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

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

20 (b) [(d)] Subject to Section 411.087 and consistent with
21 the public policy of this state, the [Department of State Health
22 Services and the] Health and Human Services Commission is [are]
23 entitled to:

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

27 (2) obtain from any other criminal justice agency in

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

4 (c) [(b)] Criminal history record information obtained by
5 the Health and Human Services Commission under Subsection (b)(1)
6 may not be released or disclosed to any other person or entity,
7 public or private. Criminal history record information obtained by
8 the Health and Human Services Commission [an agency] under
9 Subsection (b)(2) [(a)] may not be released or disclosed to any
10 person except:

11 (1) on court order;

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

14 (3) for purposes of an administrative hearing held by
15 the agency concerning the person who is the subject of the criminal
16 history record information;

17 (4) as provided by Subsection (d) [(c)].

18 (d) [(c)] The Health and Human Services Commission is
19 prohibited from releasing criminal history record information
20 obtained under Subsection (b)(1) to the person who is the subject of
21 the criminal history record information. The Health and Human
22 Services Commission [An agency] is not prohibited from releasing
23 criminal history record information obtained under Subsection
24 (b)(2) [(a) or (d)] to the person who is the subject of the criminal
25 history record information.

26 (e) The Health and Human Services Commission shall destroy
27 criminal history record information that is obtained under this

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

2 (f) [(e)] This section does not prohibit an agency from
3 obtaining and using criminal history record information as provided
4 by other law.

5 SECTION 15.10. Sec. 411.115. ACCESS TO CRIMINAL HISTORY
6 RECORD INFORMATION: DEPARTMENT OF STATE HEALTH SERVICES AND HEALTH
7 AND HUMAN SERVICES COMMISSION; LOCAL AUTHORITIES; COMMUNITY
8 CENTERS. (a) In this section, "local mental health authority,"
9 "local intellectual and developmental disability authority," and
10 "community center" have the meanings assigned by Section 531.002,
11 Health and Safety Code.

12 (b) The Department of State Health Services, the Health and
13 Human Services Commission, a local mental health or intellectual
14 and developmental disability authority, or a community center, as
15 applicable, is entitled to obtain from the department as provided
16 by Subsection (c) criminal history record information maintained by
17 the department that relates to a person:

18 (1) who is:

19 (A) an applicant for employment with the
20 Department of State Health Services, the Health and Human Services
21 Commission, a local mental health or intellectual and developmental
22 disability authority, or a community center;

23 (B) an employee of the Department of State Health
24 Services, the Health and Human Services Commission, a local mental
25 health or intellectual and developmental disability authority, or a
26 community center;

27 (C) an applicant for employment with or an

1 employee of a business or person that contracts with the Department
2 of State Health Services, the Health and Human Services Commission,
3 a local mental health or intellectual and

4 developmental disability authority, or a
5 community center to provide residential services to patients with
6 mental illness or clients with an intellectual or developmental
7 disability who were furloughed or discharged from a Department of
8 State Health Services facility, a Health and Human Services
9 Commission facility, or a community center, as applicable;

10 (D) a volunteer with the Department of State
11 Health Services, the Health and Human Services Commission, a local
12 mental health or intellectual and developmental disability
13 authority, or a community center; or

14 (E) a volunteer applicant; and

15 (2) who would be placed in direct contact with
16 patients with mental illness or clients with an intellectual or
17 developmental disability.

18 (c) Subject to Section [411.087](#) and consistent with the
19 public policy of this state, the Department of State Health
20 Services, the Health and Human Services Commission, a local mental
21 health or intellectual and developmental disability authority, or a
22 community center, as applicable, is entitled to:

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

27 (2) obtain from any other criminal justice agency in

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

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

18 (e) The Department of State Health Services, the Health and
19 Human Services Commission, a local mental health or intellectual
20 and developmental disability authority, or a community center, as
21 applicable, shall collect and destroy criminal history record
22 information that relates to a person immediately after making an
23 employment decision or taking a personnel action relating to the
24 person who is the subject of the criminal history record
25 information.

26 (f) This section does not prohibit the Department of State
27 Health Services, the Health and Human Services Commission, a local

1 mental health or intellectual and developmental disability
2 authority, or a community center, as applicable, from obtaining and
3 using criminal history record information as provided by other law.

4 SECTION 15.11. Subchapter F, Chapter 411, Government Code,
5 is amended by adding Section 411.1161 to read as follows:

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

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

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

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

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

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

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

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

3 (c) Criminal history record information obtained by the
4 Health and Human Services Commission under Subsection (b)(1) may
5 not be released or disclosed to any other person or entity, public
6 or private. Criminal history record information obtained by the
7 Health and Human Services Commission under Subsection (b)(2) may
8 not be released or disclosed to any person except:

9 (1) on court order;

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

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

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

16 (d) The Health and Human Services Commission is prohibited
17 from releasing criminal history record information obtained under
18 Subsection (b)(1) to the person who is the subject of the criminal
19 history record information. The Health and Human Services
20 Commission is not prohibited from releasing criminal history record
21 information obtained under Subsection (b)(2) to the person who is
22 the subject of the criminal history record information.

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

27 (g) This section does not prohibit the Health and Human

1 Services Commission from obtaining and using criminal history
2 record information as provided by other law.

3 SECTION 12. Sec. 411.13861. ACCESS TO CRIMINAL HISTORY
4 RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The
5 Health and Human Services Commission is entitled to obtain from the
6 Department of Public Safety as provided by Subsection (b) criminal
7 history record information maintained by the Department of Public
8 Safety that relates to a person:

9 (1) required to undergo a background and criminal
10 history check under Chapter 248A, Health and Safety Code;

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

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

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

23 (b) Subject to Section 411.087 and consistent with the
24 public policy of this state, the Health and Human Services
25 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 (a) and who
2 is required to be fingerprinted; and

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

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

10 (d) [(c)] Criminal history record information obtained by
11 the Health and Human Services Commission under Subsection (b)(1)
12 may not be released or disclosed to any other person or entity,
13 public or private. Criminal history record information obtained by
14 the Health and Human Services Commission under Subsection (b)(2)
15 [(a)] may not be released or disclosed to any person or agency
16 except on court order or with the consent of the person who is the
17 subject of the information. The Health and Human Services
18 Commission may destroy the criminal history record information
19 after the information is used for the purposes authorized by this
20 section.

21 (e) [(d)] This section does not prohibit the Health and
22 Human Services Commission from obtaining and using criminal history
23 record information as provided by other law.

24 (f) [(e)] In this section, "ward" has the meaning assigned
25 by Section [1002.030](#), Estates Code.

26 (g) [(f)] Notwithstanding Subsection (d) [(c)], the Health
27 and Human Services Commission shall destroy information obtained

1 under Subsection (a)(3) or (4) after the information is used for the
2 purposes authorized by this section.

3 SECTION 13. Sec. 411.1387. ACCESS TO CRIMINAL HISTORY
4 RECORD INFORMATION: FACILITY, REGULATORY AGENCY, OR PRIVATE
5 AGENCY. (a) In this section, "facility," "regulatory agency," and
6 "private agency" have the meanings assigned by Section 250.001,
7 Health and Safety Code.

8 (b) A regulatory agency is entitled to obtain from the
9 department as provided by Subsection (c) criminal history record
10 information maintained by the department that relates to a person
11 who is:

12 (1) an applicant for employment at or an employee of a
13 facility other than a facility licensed under Chapter 142,
14 Health and Safety Code; or

15 (2) an applicant for employment at or an employee of a
16 facility licensed under Chapter 142, Health and Safety Code,
17 if the duties of employment involve direct contact with a
18 consumer in the facility.

19 (c) Subject to Section 411.087 and consistent with the
20 public policy of this state, a regulatory agency 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 who
24 is required to be fingerprinted; and

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

1 Subsection (a).

2 (d) [(b-1)] A facility or a private agency on behalf of a
3 facility is entitled to obtain from the department as provided by
4 Subsection (e) criminal history record information maintained by
5 the department that relates to a person who is:

6 (1) an applicant for employment with, an employee of,
7 or a volunteer with the facility;

8 (2) an applicant for employment with or an employee of
9 a person or business that contracts with the facility; or

10 (3) a student enrolled in an educational program or
11 course of study who is at the facility for educational purposes.

12 (e) Subject to Section 411.087 and consistent with the
13 public policy of this state, a facility ~~or a private agency on~~
14 ~~behalf of a facility~~ is entitled to:

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

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

23 (f) [(c)] A facility may:

24 (1) obtain directly from the department criminal history
25 record information on a person described by Subsection (d) [(b-1)];
26 or

27 (2) authorize a private agency to obtain that information

1 from the department.

2 (g) [(d)] A private agency obtaining criminal history
3 record information on behalf of a facility under Subsection (c)
4 shall forward the information received to the facility requesting
5 the information.

6 (h) [(e)] Criminal history record information obtained by a
7 facility or regulatory agency under Subsections (c)(1) and (e)(1)
8 may not be released or disclosed to any other person or entity,
9 public or private. Criminal history record information obtained by
10 a facility, regulatory agency, or private agency on behalf of a
11 facility under Subsections (c)(2) and (e)(2) [(b) or (b-1)] may not
12 be released or disclosed to any person or agency except on court
13 order or with the consent of the person who is the subject of the
14 information.

15 (i) Criminal history record information obtained by a
16 facility, regulatory agency, or private agency on behalf of a
17 facility under this section shall be destroyed after the
18 information is used for its authorized purpose.

19 (j) This section does not prohibit a facility, regulatory
20 agency, or private agency on behalf of a facility from obtaining and
21 using criminal history record information as provided by other law.

22 SECTION 15.14. To the extent of any conflict, this Act
23 prevails over another Act of the 86th Legislature, Regular Session,
24 2019, relating to nonsubstantive additions to and corrections in
25 enacted codes.

26 ARTICLE 16. TEXAS BOARD OF NURSING

27 Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD

1 INFORMATION: TEXAS BOARD OF NURSING. The Texas Board of Nursing is
2 entitled to obtain from the department criminal history record
3 information maintained by the department that relates to a person
4 who:

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

8 (2) has requested a determination of eligibility for a
9 license from the board; [or]

10 (3) is accepted for enrollment in a nursing
11 educational program that prepares the person for licensure as a
12 vocational, registered, or advanced practice registered nurse; or

13 (4) [(3)] is subject to investigation by the board in
14 connection with a complaint or formal charge against the person.

15 (b) Texas criminal history record information obtained by
16 the Texas Board of Nursing under Subsection (a) may not be released
17 or disclosed to any person except:

18 (1) as required under a court order;

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

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

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

24 (c) Criminal history record information obtained by the
25 Texas Board of Nursing shall be destroyed by the agency after a
26 final determination is made and all appeals are concluded in the
27 matter for which the information was obtained.

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

6 (e) In addition to the information to which the board is
7 entitled under Section 411.125 and this section, the board may
8 request and receive criminal history record information from the
9 Federal Bureau of Investigation in accordance with Section 411.087.

10 (f) Criminal history record information obtained by the
11 Federal Bureau of Investigation shall not be disseminated.

12 Sec. 301.2511. CRIMINAL HISTORY RECORD INFORMATION FOR
13 LICENSE APPLICANTS.

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

21 (b) The board may deny a license to an applicant who does not
22 comply with the requirement of Subsection (a). Issuance of a
23 license by the board is conditioned on the board obtaining the
24 applicant's criminal history record information under this
25 section.

26 (c) The board by rule shall develop a system for obtaining
27 criminal history record information for a person accepted for

1 enrollment in a nursing educational program that prepares the
2 person for [~~initial~~] licenses as a vocational, registered, or advanced
3 practice registered [~~or vocational~~] nurse by requiring the person
4 to submit to the board a set of fingerprints that meets the
5 requirements of Subsection (a). The board may develop a similar
6 system for an applicant for enrollment in a nursing educational
7 program. The board may require payment of a fee by a person who is
8 required to submit a set of fingerprints under this subsection.

9 ARTICLE 17. TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

10 Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD
11 INFORMATION: ~~STATE~~TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS.

12 (a) The ~~State~~Texas Board of Veterinary Medical Examiners is
13 entitled to obtain from the department criminal history record
14 information maintained by the department that relates to a person
15 who is:

16 (1) an applicant for a license or certificate under
17 the Veterinary Licensing Act, Chapter 801 of the Texas Occupations
18 Code; ~~or~~

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

21 (3) an applicant for employment after that applicant
22 is employed or, for an applicant who is not employed, after the
23 check of the criminal history record information on that applicant
24 is completed; or

25 (4) an employee or contractor after the check of the
26 criminal history record information on that employee or contractor
27 is completed.

1 (b) Texas criminal history record information obtained by
2 the ~~State~~Texas Board of Veterinary of Medical Examiners under
3 Subsection (a) may not be released or disclosed to any person except
4 on court order, with the written consent of the person or entity
5 that is the subject of the criminal history record information, or
6 as provided by Subsection (e).

7 (c) After an individual is licensed or certified, the Texas
8 Board of Veterinary Medical Examiners, shall destroy the criminal
9 history record information that relates to that individual. The
10 Texas Board of Veterinary Medical Examiners shall destroy the
11 criminal history record information that relates to:

12 (d) The Texas Board of Veterinary Medical Examiners shall
13 destroy criminal history record information that relates to an
14 applicant who is not certified or employed, as applicable.

15 (e) The Texas Board of Veterinary Medical Examiners is not
16 prohibited from disclosing Texas criminal history record
17 information obtained under Subsection (a) in a criminal proceeding
18 or in a hearing conducted by the Texas Board of Veterinary Medical
19 Examiners.

20 (g) In accordance with Section [411.087](#) the Texas Board of
21 Veterinary Medical Examiners may obtain criminal history record
22 information from the Federal Bureau of Investigation
23 identification division.

24 (h) Criminal history record information obtained by the
25 Federal Bureau of Investigation shall not be disseminated.

26 ARTICLE 18. TEXAS DEPARTMENT OF INSURANCE

27 SECTION 18.01. Section [411.106](#), Government Code, is amended

1 to read as follows:

2 Sec. 411.106. ACCESS TO CRIMINAL HISTORY RECORD
3 INFORMATION: TEXAS DEPARTMENT OF INSURANCE. (a) The Texas
4 Department of Insurance [~~for good cause shown~~] is entitled to
5 obtain from the department criminal history record information
6 maintained by the department that relates to a person who is:

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

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

13 (b) Texas ~~C~~riminal history record information obtained by
14 the Texas Department of Insurance under Subsection (a) may not be
15 disclosed or released to any person except on court order, [or] with
16 the written consent of the person who is the subject of the criminal
17 history record information, or as provided by Subsection(d).

18 (c) After the Texas Department of Insurance makes a
19 determination as to the issuance of a license or certificate of
20 authority to an applicant or as otherwise authorized by statute,
21 the Texas Department of Insurance shall destroy [~~seal~~] the criminal
22 history record information in its possession regarding the
23 applicant ~~and shall deliver the information to the commissioner of~~
24 ~~insurance or the commissioner's designee, who shall maintain the~~
25 ~~information as provided by State Board of Insurance rule.~~

26 (d) The Texas Department of Insurance is not prohibited from
27 disclosing Texas criminal history record information obtained

1 under Subsection (a) in a criminal proceeding or in a hearing
2 conducted by the Texas Department of Insurance.

3 (e) In accordance with Section 411.087, the Texas
4 Department of Insurance may obtain criminal history record
5 information from the Federal Bureau of Investigation
6 identification division.

7 (f) The Texas Department of Insurance ~~may~~ shall not
8 disseminate criminal history record information obtained from the
9 Federal Bureau of Investigation.

10 SECTION 17.02. Section 411.107, Government Code, is amended
11 to read as follows:

12 Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: RECEIVER. (a) In this section, "receiver" has the
14 meaning assigned by Section 443.004~~Article 21.280~~, Insurance Code.

15 (b) A receiver is entitled to obtain from the department
16 criminal history record information maintained by the department
17 that relates to a person who:

18 (1) is a creditor or claimant of the receivership
19 estate; or

20 (2) the receivership estate has a claim against [the
21 ~~receiver believes is necessary for the investigation of any~~
22 ~~matter relating to a receivership estate].~~

23 (c) Texas criminal history record information obtained by a
24 receiver under Subsection (b) may not be released or disclosed to
25 any person except on court order or with the written consent of the
26 person who is the subject of the criminal history record
27 information.

1 (d) A receiver ~~shall~~may destroy criminal history record
2 information obtained by the receiver under Subsection (b) before
3 termination of the receivership and the receiver's discharge [~~after~~
4 ~~the purpose for which the information was obtained is~~
5 ~~accomplished~~].

6 (e) In accordance with Section 411.087, the receiver may
7 obtain criminal history record information from the Federal Bureau
8 of Investigation identification division.

9 (f) The receiver may not disseminate criminal history
10 record information obtained from the Federal Bureau of
11 Investigation.

12 SECTION 18.03. Subchapter F, Chapter 411, Government Code,
13 is amended by adding Section 411.### to read as follows:

14 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD
15 INFORMATION: STATE FIRE MARSHAL. (a) The state fire marshal is
16 entitled to obtain from the department criminal history record
17 information maintained by the department that relates to a person
18 who is an applicant for a license or other authorization issued by
19 the state fire marshal to engage in an activity regulated under the
20 Insurance Code or the Occupations Code.

21 (b) Texas criminal history record information obtained by
22 the state fire marshal under Subsection (a) may not be disclosed or
23 released 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(d).

26 (c) After the state fire marshal makes a determination as to
27 the issuance of a license or other authorization to an applicant as

1 provided by statute, the state fire marshal shall destroy the
2 criminal history record information in its possession regarding the
3 applicant.

4 (d) The state fire marshal is not prohibited from disclosing
5 criminal history record information obtained under Subsection (a)
6 in a criminal proceeding or in a hearing conducted by the state fire
7 marshal.

8 (e) In accordance with Section 411.087, the state fire
9 marshal may obtain criminal history record information from the
10 Federal Bureau of Investigation identification division.

11 (f) The state fire marshal ~~may~~ shall not disseminate
12 criminal history record information obtained from the Federal
13 Bureau of Investigation.

14 ARTICLE 19. TEXAS FUNERAL SERVICE COMMISSION

15 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD

16 INFORMATION: Texas Funeral Service Commission. (a) The Texas
17 Funeral Service Commission is entitled to obtain from the
18 department criminal history record information maintained by the
19 department that relates to:

20 (1) a person who is:

21 (A) an applicant for a license or certificate
22 under Sections 651.259(e) and 651.302(d), Occupations Code;

23 (B) the holder of a license or certificate under
24 that Act;

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

27 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD

1 INFORMATION: TEXAS FUNERAL SERVICE COMMISSION. (a) Texas Funeral
2 Service Commission is entitled to obtain from the department
3 criminal history record information maintained by the department
4 that relates to:

5 (1) a person who is:

6 (A) an applicant for a license or certificate
7 under the Occupations Code, Subtitle L. Crematory Services, Funeral
8 Directing, And Embalming (Chapter 651, Crematory Services, Funeral
9 Directing, And Embalming);

10 (B) the holder of a license or certificate under
11 that Act;

12 (2) an applicant for a license or a license holder
13 under Subchapter D, Subchapter F, Subchapter G, Subchapter H,
14 Subchapter I, Subchapter J, Subchapter K, and Subchapter N, Chapter
15 651, Occupations Code;

16 (3) an applicant for employment at or current employee
17 of:

18 (A) the Texas Funeral Service Commission

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

22 (b) Criminal history record information obtained by the
23 Texas Funeral Service Commission under Subsection (a) may not be
24 released or disclosed to any person except on court order, with the
25 written consent of the person or entity that is the subject of the
26 criminal history record information, or as provided by Subsection
27 (e).

1 (c) After an entity is licensed or certified, the Texas
2 Funeral Service Commission shall destroy the criminal history
3 record information that relates to that entity. The Texas Funeral
4 Service Commission shall destroy the criminal history record
5 information that relates to:

6 (1) an applicant for employment after that applicant
7 is employed or, for an applicant who is not employed, after the
8 check of the criminal history record information on that applicant
9 is completed; or

10 (2) an employee or contractor after the check of the
11 criminal history record information on that employee or contractor
12 is completed.

13 (d) The Texas Funeral Service Commission shall destroy
14 criminal history record information that relates to an applicant
15 who is not certified or employed, as applicable.

16 (e) The Texas Funeral Service Commission is not prohibited
17 from disclosing criminal history record information obtained under
18 Subsection (a) in a criminal proceeding or in a hearing conducted by
19 the Texas Funeral Service Commission.

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

25 (g) Texas criminal history record information obtained by
26 the Texas Funeral Service Commission under Subsection (a) may not
27 be released or disclosed to any person except on court order, with

1 the written consent of the person or entity that is the subject of
2 the criminal history record information, or as provided by
3 Subsection (e).

4 (h) After an entity is licensed or certified, the Texas
5 Funeral Service Commission, shall destroy the criminal history
6 record information that relates to that entity. The Texas Funeral
7 Service Commission shall destroy the criminal history record
8 information that relates to:

9 (1) an applicant for employment after that applicant
10 is employed or, for an applicant who is not employed, after the
11 check of the criminal history record information on that applicant
12 is completed; or

13 (2) an employee or contractor after the check of the
14 criminal history record information on that employee or contractor
15 is completed.

16 (i) The Texas Funeral Service Commission shall destroy
17 criminal history record information that relates to an applicant
18 who is not certified or employed, as applicable.

19 (j) The Texas Funeral Service Commission is not prohibited
20 from disclosing criminal history record information obtained under
21 Subsection (a) in a criminal proceeding or in a hearing conducted by
22 the Texas Funeral Service Commission>.

23 (k) In accordance with Section 411.087, the Texas Funeral
24 Service Commission shall obtain criminal history record
25 information from the Federal Bureau of Investigation
26 identification division.

27 (l) Criminal history record information obtained by the

1 Federal Bureau of Investigation shall not be disseminated.

2 ARTICLE 20. STATE BOARD FOR EDUCATOR CERTIFICATION AND TEXAS
3 EDUCATION AGENCY

4 Sec. 411.090. ACCESS TO CRIMINAL HISTORY RECORD
5 INFORMATION: STATE BOARD FOR EDUCATOR CERTIFICATION. (a) The
6 State Board for Educator Certification is entitled to obtain from
7 the department any criminal history record information maintained
8 by the department about a person who has applied to the board for,
9 or who currently holds, a certificate under Subchapter B, Chapter
10 21, Education Code.

11 (b) Texas criminal history record information obtained by
12 the board in the original form or any subsequent form:

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

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

17 (A) the person who is the subject of the
18 information;

19 (B) the Texas Education Agency;

20 (C) a local or regional educational entity as
21 provided by Section 411.097; or

22 (D) by court order;

23 (3) is not subject to disclosure as provided by
24 Chapter 552; and

25 (4) shall be destroyed by the board after the
26 information is used for the authorized purposes.

27 (c) The department shall notify the State Board for Educator

1 Certification of the arrest of any educator, as defined by Section
2 5.001, Education Code, who has fingerprints on file with the
3 department. Any record of the notification and any information
4 contained in the notification is not subject to disclosure as
5 provided by Chapter 552.

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

11 (e) In accordance with Section 411.087 the State Board for
12 Educator Certification shall obtain criminal history record
13 information from the Federal Bureau of Investigation
14 identification division.

15 (f) Criminal history record information obtained by the
16 Federal Bureau of Investigation shall not be disseminated.

17 Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD
18 INFORMATION: TEXAS EDUCATION AGENCY. (a) The Texas Education
19 Agency is entitled to obtain criminal history record information
20 maintained by the department about a person who:

21 (1) is employed or is an applicant for employment by
22 the Texas Education Agency; or

23 (2[1]) is employed or is an applicant for employment
24 by a school district or open-enrollment charter school;

25 (3) is subject to placement on the Registry of Persons
26 Not Eligible for Employment in Public Schools under Section 22.092,
27 Subchapter C-1, Chapter 22, Texas Education Code;

1 (4 [2]) is employed or is an applicant for employment
2 by a shared services arrangement, if the employee's or applicant's
3 duties are or will be performed on school property or at another
4 location where students are regularly present; or

5 (5 [3]) is employed or is an applicant for employment
6 by an entity that contracts or subcontracts with a school district,
7 open-enrollment charter school, or shared services arrangement, if
8 the applicant or employee has or will have continuing duties
9 related to the contracted or subcontracted services, and has or
10 will have direct contact with students; or if

11 (6) provides services as a tutor on behalf of a service
12 provider that offers accelerated or supplemental instruction under
13 Section 28.0211, Education Code if the tutor has or will have
14 continuing duties related to the services provided and has or will
15 have direct contact with students.

16 ~~(A) the employee or applicant person has or will~~
17 ~~have continuing duties relating to the contracted services~~
18 ~~provided; and~~

19 ~~(B) the employee or applicant person has or will~~
20 ~~have direct contact with students.~~

21 (b) Texas criminal history record information obtained by
22 the agency in the original form or any subsequent form:

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

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

26 (A) the person who is the subject of the
27 information;

- 1 (B) the State Board for Educator Certification;
- 2 (C) a local or regional educational entity as
- 3 provided by Section 411.097; or
- 4 (D) by court order;
- 5 (3) is not subject to disclosure as provided by
- 6 Chapter 552; and
- 7 (4) shall be destroyed by the agency after the
- 8 information is used for the authorized purposes.

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

14 (d) In accordance with Section 411.087, the Texas Education
15 Agency shall obtain criminal history record information from the
16 Federal Bureau of Investigation identification division.

17 (e) Criminal history record information obtained by the
18 Federal Bureau of Investigation shall not be disseminated.

19 Sec. 411.097. ACCESS TO CRIMINAL HISTORY RECORD
20 INFORMATION: LOCAL AND REGIONAL EDUCATIONAL ENTITIES. (a) A
21 school district, charter school, private school, regional
22 education service center, commercial transportation company, or
23 education shared services arrangement is entitled to obtain from
24 the department criminal history record information maintained by
25 the department that the district, school, service center, shared
26 services arrangement, or entity is required or authorized to obtain
27 under Subchapter C, Chapter 22, Education Code, that relates to a

1 person who is:

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

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

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

15 (4) an employee of or applicant for employment by a
16 subcontractor of an entity that contracts to provide services to a
17 school district, charter school, or shared services arrangement as
18 provided by Section [22.0834](#) ~~or [22.08341](#)~~, Education Code; or

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

22 (b) A school district, charter school, private school,
23 regional education service center, or education shared services
24 arrangement is entitled to obtain from the department criminal
25 history record information maintained by the department that the
26 district, school, service center, or shared services arrangement is
27 required or authorized to obtain under Subchapter C, Chapter 22,

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

4 (c) An open-enrollment charter school is entitled to obtain
5 from the department criminal history record information maintained
6 by the department that relates to a person who:

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

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

11 (d) Texas criminal history record information obtained by a
12 school district, charter school, private school, service center,
13 commercial transportation company, or shared services arrangement
14 in the original form or any subsequent form:

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

16 (A) the individual who is the subject of the
17 information;

18 (B) the Texas Education Agency;

19 (C) the State Board for Educator Certification;

20 (D) the chief personnel officer of the
21 transportation company, if the information is obtained under
22 Subsection (a)(2); or

23 (E) by court order;

24 (2) is not subject to disclosure as provided by
25 Chapter [552](#); and

26 (3) shall be destroyed by the school district, charter
27 school, private school, service center, commercial transportation

1 company, or shared services arrangement on the earlier of:

2 (A) the first anniversary of the date the
3 information was originally obtained; or

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

6 (e) If a regional education service center or commercial
7 transportation company that receives criminal history record
8 information from the department under this section requests the
9 information by providing to the department a list, including the
10 name, date of birth, and any other personal descriptive information
11 required by the department for each person, through electronic
12 means, magnetic tape, or disk, as specified by the department, the
13 department may not charge the service center or commercial
14 transportation company more than the lesser of:

15 (1) the department's cost for providing the
16 information; or

17 (2) the amount prescribed by another law.

18 (f) An employee of a school district, charter school,
19 private school, regional education service center, commercial
20 transportation company, or education shared services arrangement
21 or an entity that contracts to provide services to a school
22 district, charter school, or shared services arrangement may
23 request from the employer a copy of any criminal history record
24 information relating to that employee that the employer has
25 obtained as provided by Subchapter C, Chapter 22, Education Code.
26 The employer may charge a fee to an employee requesting a copy of
27 the information in an amount not to exceed the actual cost of

1 copying the requested criminal history record information.

2 (g) A school district, charter school, private school,
3 regional education service center, commercial transportation
4 company, or education shared services arrangement is not prohibited
5 from disclosing Texas criminal history record information obtained
6 under Subsection (a) in a criminal proceeding or in a hearing
7 conducted by the Texas Education Agency or State Board for Educator
8 Certification.

9 (h) In accordance with Section 411.087 a school district,
10 charter school, regional education service center, commercial
11 transportation company, or education shared services arrangement
12 shall obtain criminal history record information from the Federal
13 Bureau of Investigation identification division.

14 (i) Criminal history record information obtained by the
15 Federal Bureau of Investigation shall not be disseminated.

16 411.XXXX ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:
17 QUALIFIED SCHOOL CONTRACTORS

18 (a) In this section:

19 (1) "Qualified school contractor" is an entity that
20 (A) contracts or subcontracts to provide
21 services to a school district, charter school, or shared services
22 arrangement; and

23 (B) is determined eligible ~~authorized~~ by the
24 department to obtain criminal history pursuant to the National
25 Child Protection Act for an employee, applicant for employment, or
26 volunteer of the qualified school contractor.

27 (b) ~~Texas~~ Criminal history record information obtained by a

1 qualified school contractor in the original form or any subsequent
2 form:

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

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

6 ~~(B) or by court order;~~

7 (2) is not subject to disclosure as provided by
8 Chapter 552; and

9 (3) shall be destroyed by qualified school contractor
10 on the earlier of:

11 (A) the first anniversary of the date the
12 information was originally obtained; or

13 (B) the date the information is used for the
14 authorized purpose.

15 (c) Criminal history record information obtained by the
16 Federal Bureau of Investigation shall not be disseminated.

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

21 (e) The department in coordination with the Commissioner of
22 Education may adopt rules necessary to implement this section.

23 Sec. 411.1405. ACCESS TO CRIMINAL HISTORY RECORD
24 INFORMATION: STATE AGENCIES; INFORMATION TECHNOLOGY EMPLOYEES.

25 (a) In this section:

26 (1) "Information resources" and "information
27 resources technologies" have the meanings assigned by Section

1 2054.003.

2 (2) "State agency" means a department, commission,
3 board, office, council, authority, or other agency in the
4 executive, legislative, or judicial branch of state government that
5 is created by the constitution or a statute of this state, including
6 a university system or institution of higher education as defined
7 by Section 61.003, Education Code.

8 (b) To the extent consistent with Subsection (e), a state
9 agency is entitled to obtain from the department the criminal
10 history record information maintained by the department that
11 relates to a person who:

12 (1) is an employee, applicant for employment,
13 contractor, subcontractor, or intern or other volunteer with the
14 state agency or with a contractor or subcontractor for the state
15 agency; and

16 (2) has access to information resources or information
17 resources technologies, other than a desktop computer or telephone
18 station assigned to that person.

19 (c) A state agency that obtains Texas criminal history
20 record information under this section may not release or disclose
21 the information or any documents or other records derived from the
22 information except:

23 (1) by court order;

24 (2) with the consent of the person who is the subject
25 of the information; or

26 (3) to the affected contractor or subcontractor,
27 unless the information was obtained by the department from the

1 Federal Bureau of Investigation.

2 (d) A state agency and the affected contractor or
3 subcontractor shall destroy criminal history record information
4 obtained under this section that relates to a person after the
5 information is used to make an employment decision or to take a
6 personnel action relating to the person who is the subject of the
7 information.

8 (e) A state agency may not obtain criminal history record
9 information under this section unless the state agency first adopts
10 policies and procedures that provide that evidence of a criminal
11 conviction or other relevant information obtained from the criminal
12 history record information does not automatically disqualify an
13 individual from employment. The attorney general shall review the
14 policies and procedures for compliance with due process and other
15 legal requirements before adoption by the state agency. The
16 attorney general may charge the state agency a fee to cover the cost
17 of the review. The policies and procedures adopted under this
18 subsection must provide that the hiring official will determine, on
19 a case-by-case basis, whether the individual is qualified for
20 employment based on factors that include:

- 21 (1) the specific duties of the position;
- 22 (2) the number of offenses committed by the
23 individual;
- 24 (3) the nature and seriousness of each offense;
- 25 (4) the length of time between the offense and the
26 employment decision;
- 27 (5) the efforts by the individual at rehabilitation;

1 and

2 (6) the accuracy of the information on the
3 individual's employment application.

4 (f) A criminal history record information provision in
5 another law that is more specific to a state agency, including
6 Section 411.089, prevails over this section to the extent of any
7 conflict.

8 (g) A state agency is not prohibited from disclosing Texas
9 criminal history record information obtained under Subsection (a)
10 in a criminal proceeding.

11 (h) In accordance with Section 411.087, a state agency shall
12 obtain criminal history record information from the Federal Bureau
13 of Investigation identification division.

14 (i) Criminal history record information obtained by the
15 Federal Bureau of Investigation shall not be disseminated.

16 Sec. 22.0834. CRIMINAL HISTORY RECORD INFORMATION REVIEW OF
17 CERTAIN CONTRACT EMPLOYEES. (a) Except as provided by Subsection
18 (a-1), this subsection applies to a person who is not an applicant
19 for or holder of a certificate under Subchapter B, Chapter 21, and
20 who ~~on or after January 1, 2008,~~ is offered employment by an entity
21 or a subcontractor of an entity that contracts with a school
22 district, open-enrollment charter school, or shared services
23 arrangement to provide services, if:

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

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

1 (a-1) This section does not apply to an employee or
2 applicant of a public works contractor if: ~~contracting entity,~~
3 ~~subcontracting entity, or other person subject to Section 22.08341.~~

4 (1) the public work does not involve the construction,
5 alteration, or repair of an instructional facility as defined in
6 46.001;

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

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

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

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

22 (b) If the contracting entity is a qualified school
23 contractor as defined under TX Gov. Code 411.XXXX, a ~~A~~ person to
24 whom Subsection (a) applies must submit to a national criminal
25 history record information review ~~under this section~~ by the
26 qualified school contractor before being employed or serving in a
27 capacity described by that subsection.

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

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

18 (d) ~~An entity contracting with~~ A qualified school
19 contractor or a school district, open-enrollment charter school, or
20 shared services arrangement shall obtain all criminal history
21 record information that relates to a person to whom Subsection (a)
22 applies through the criminal history clearinghouse as provided by
23 Section 411.0845, Government Code. ~~The entity shall certify to the~~
24 ~~school district that the entity has received all criminal history~~
25 ~~record information relating to a person to whom Subsection (a)~~
26 ~~applies.~~

27 (d-1) A qualified school contractor ~~contracting entity~~

1 shall require that any of its subcontracting entities obtain all
2 criminal history record information that relates to an employee to
3 whom Subsection (a) applies if the subcontracting entity is also a
4 qualified school contractor.

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

9 (e) The requirements of subsection (b), (d-1), and (d-2) do
10 not apply to a qualified school contractor if A a school district,
11 open-enrollment charter school, or shared services arrangement ~~may~~
12 obtains the criminal history record information of a person to whom
13 this section applies through the criminal history clearinghouse as
14 provided by Section 411.0845, Government Code.

15 (f) In the event of an emergency, a school district may
16 allow a person to whom Subsection (a) ~~or (g)~~ applies to enter school
17 district property if the person is accompanied by a district
18 employee. A school district may adopt rules regarding an emergency
19 situation under this subsection.

20 ~~(g) An entity that contracts with a school district,~~
21 ~~open-enrollment charter school, or shared services arrangement to~~
22 ~~provide services shall obtain from any law enforcement or criminal~~
23 ~~justice agency or a private entity that is a consumer reporting~~
24 ~~agency governed by the Fair Credit Reporting Act (15 U.S.C. Section~~
25 ~~1681 et seq.), all criminal history record information that relates~~
26 ~~to an employee of the entity who is employed before January 1, 2008,~~
27 ~~and who is not subject to a national criminal history record~~

1 ~~information review under Subsection (b) if:~~

2 ~~(1) the employee has continuing duties related to the~~
3 ~~contracted services, and~~

4 ~~(2) the employee has direct contact with students.~~

5 (h) A school district, open-enrollment charter school, or
6 shared services arrangement, or qualified school contractor may
7 obtain from any law enforcement or criminal justice agency all
8 criminal history record information that relates to a person to
9 whom this section ~~Subsection (g)~~ applies.

10 ~~(i) An entity shall certify to a school district that it has~~
11 ~~received all criminal history record information required by~~
12 ~~Subsection (g).~~

13 ~~(j) The commissioner may adopt rules as necessary to~~
14 ~~implement this section.~~

15 ~~(k) The requirements of this section apply to an entity that~~
16 ~~contracts directly with a school district, open-enrollment charter~~
17 ~~school, or shared services arrangement and any subcontractor of the~~
18 ~~entity.~~

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

1 ~~(m) A contracting entity complies with the requirements of~~
2 ~~this section if the contracting entity obtains a written statement~~
3 ~~from each subcontracting entity certifying that the subcontracting~~
4 ~~entity has obtained the required criminal history record~~
5 ~~information for employees of the subcontracting entity and the~~
6 ~~subcontracting entity has obtained certification from each of the~~
7 ~~subcontracting entity's subcontractors.~~

8 ~~(n) A subcontracting entity must certify to the school~~
9 ~~district, open-enrollment charter school, or shared services~~
10 ~~arrangement and the contracting entity that the subcontracting~~
11 ~~entity has obtained all criminal history record information that~~
12 ~~relates to an employee to whom Subsection (a) applies and has~~
13 ~~obtained similar written certifications from the subcontracting~~
14 ~~entity's subcontractors.~~

15 (o) A school district, charter school, regional education
16 service center, commercial transportation company, or education
17 shared services arrangement, qualified school contractor,
18 contracting or subcontracting entity may not permit an employee to
19 whom Subsection (a) applies to provide services at a school if the
20 employee has been convicted of a felony or misdemeanor offense that
21 would prevent a person from being employed under Section 22.085(a).

22

(p) A qualified school contractor shall certify to the
23 school district that the entity has received all criminal history
24 record information relating to a person to whom Subsection (a)
25 applies.

26 (p q) In this section:

27 (1) "Contracting entity" means an entity that

1 contracts directly with a school district, open-enrollment charter
2 school, or shared services arrangement to provide services to the
3 school district, open-enrollment charter school, or shared
4 services arrangement.

5 (2) "Subcontracting entity" means an entity that
6 contracts with another entity that is not a school district,
7 open-enrollment charter school, or shared services arrangement to
8 provide services to a school district, open-enrollment charter
9 school, or shared services arrangement.

10 (3) "Qualified school contractor" has the same meaning
11 as defined in Tx Gov Code 411.XXXX

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

17 Sec. 22.08341 REPEALED

18 ~~Sec. 22.08341. CRIMINAL HISTORY RECORD INFORMATION REVIEW~~
19 ~~BY CERTAIN PUBLIC WORKS CONTRACTORS. (a) In this section:~~

20 (1) ~~"Contracting entity" means an entity that~~
21 ~~contracts directly with a school district, open-enrollment charter~~
22 ~~school, or shared services arrangement to provide engineering,~~
23 ~~architectural, or construction services to the district, school, or~~
24 ~~arrangement.~~

25 (2) ~~"Instructional facility" has the meaning assigned~~
26 ~~by Section 46.001.~~

27 (3) ~~"Subcontracting entity" means an entity that~~

1 ~~contracts with another entity that is not a school district,~~
2 ~~open-enrollment charter school, or shared services arrangement to~~
3 ~~provide engineering, architectural, or construction services to a~~
4 ~~school district, open-enrollment charter school, or shared~~
5 ~~services arrangement.~~

6 ~~(b) This subsection applies to a person who is not an~~
7 ~~applicant for or holder of a certificate under Subchapter B,~~
8 ~~Chapter 21, and who is employed by a contracting or subcontracting~~
9 ~~entity on a project to design, construct, alter, or repair a public~~
10 ~~work if the person has or will have:~~

11 ~~(1) continuing duties related to the contracted~~
12 ~~services; and~~

13 ~~(2) the opportunity for direct contact with students~~
14 ~~in connection with the person's continuing duties.~~

15 ~~(c) For purposes of Subsection (b), a person does not have~~
16 ~~the opportunity for direct contact with students if:~~

17 ~~(1) the public work does not involve the construction,~~
18 ~~alteration, or repair of an instructional facility;~~

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

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

26 ~~(A) the public work area contains sanitary~~
27 ~~facilities and is separated from all areas used by students by a~~

1 ~~secure barrier fence that is not less than six feet in height; and~~

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

7 ~~(d) A contracting entity or subcontracting entity may not~~
8 ~~permit an employee to whom Subsection (b) applies to provide~~
9 ~~services at an instructional facility if the employee, during the~~
10 ~~preceding 30 years, was convicted of any of the following offenses~~
11 ~~and the victim was under 18 years of age or was enrolled in a public~~
12 ~~school.~~

13 ~~(1) a felony offense under Title 5, Penal Code;~~

14 ~~(2) an offense on conviction of which a defendant is~~
15 ~~required to register as a sex offender under Chapter 62, Code of~~
16 ~~Criminal Procedure; or~~

17 ~~(3) an offense under the laws of another state or~~
18 ~~federal law that is equivalent to an offense under Subdivision (1)~~
19 ~~or (2).~~

20 ~~(e) For a person to whom Subsection (b) applies, the~~
21 ~~contracting entity or subcontracting entity that employs the person~~
22 ~~shall:~~

23 ~~(1) send or ensure that the person sends to the~~
24 ~~department information that is required by the department for~~
25 ~~obtaining national criminal history record information, which may~~
26 ~~include fingerprints and photographs;~~

27 ~~(2) obtain all criminal history record information~~

1 ~~that relates to the person through the criminal history~~
2 ~~clearinghouse as provided by Section 411.0845, Government Code; and~~

3 ~~(3) certify to the school district, open-enrollment~~
4 ~~charter school, shared services arrangement, or contracting~~
5 ~~entity, as applicable, that the contracting entity or~~
6 ~~subcontracting entity that employs the person has received all~~
7 ~~criminal history record information relating to the person.~~

8 ~~(f) A contracting entity shall certify to the school~~
9 ~~district, open-enrollment charter school, or shared services~~
10 ~~arrangement, as applicable, that the contracting entity has~~
11 ~~obtained written certifications from any subcontracting entity~~
12 ~~that the subcontracting entity has complied with Subsection (e) as~~
13 ~~it relates to the subcontracting entity's employees.~~

14 ~~(g) On receipt of information described by Subsection~~
15 ~~(e)(1), the department shall obtain the person's national criminal~~
16 ~~history record information and report the results through the~~
17 ~~criminal history clearinghouse as provided by Section 411.0845,~~
18 ~~Government Code.~~

19 ~~(h) A school district, open-enrollment charter school, or~~
20 ~~shared services arrangement may directly obtain the criminal~~
21 ~~history record information of a person to whom Subsection (b)~~
22 ~~applies through the criminal history clearinghouse as provided by~~
23 ~~Section 411.0845, Government Code.~~

24 ~~(i) If a contracting entity or subcontracting entity~~
25 ~~determines that Subsection (b) does not apply to an employee, the~~
26 ~~contracting or subcontracting entity shall make a reasonable effort~~
27 ~~to ensure that the conditions or precautions that resulted in the~~

1 ~~determination that Subsection (b) does not apply to the employee~~
2 ~~continue to exist throughout the time that the contracted services~~
3 ~~are provided.~~

4 ~~(j) In the event of an emergency, a school district,~~
5 ~~open-enrollment charter school, or shared services arrangement may~~
6 ~~allow a person to whom Subsection (b) applies to enter an~~
7 ~~instructional facility if the person is accompanied by an employee~~
8 ~~of the district, school, or arrangement. A school district,~~
9 ~~open-enrollment charter school, or shared services arrangement may~~
10 ~~adopt a policy regarding an emergency for purposes of this~~
11 ~~subsection.~~

12 ~~(k) The commissioner may adopt rules necessary to implement~~
13 ~~this section.~~

14 ~~Added by Acts 2017, 85th Leg., R.S., Ch. 1070 (H.B. 3270), Sec. 2,~~
15 ~~eff. September 1, 2017.~~

16 Sec. 22.0835. ACCESS TO CRIMINAL HISTORY RECORDS OF STUDENT
17 TEACHERS AND VOLUNTEERS BY LOCAL AND REGIONAL EDUCATION
18 AUTHORITIES. (a) A school district, open-enrollment charter
19 school, or shared services arrangement shall obtain from the
20 department and may obtain from any other law enforcement or
21 criminal justice agency or a private entity that is a consumer
22 reporting agency governed by the Fair Credit Reporting Act (15
23 U.S.C. Section 1681 et seq.), all criminal history record
24 information that relates to:

25 (1) a person participating in an internship consisting
26 of student teaching to receive a teaching certificate; or

27 (2) a volunteer or person who has indicated, in

1 writing, an intention to serve as a volunteer with the district,
2 school, or shared services arrangement.

3 (b) A private school or regional education service center
4 may obtain from any law enforcement or criminal justice agency all
5 criminal history record information that relates to a person who
6 volunteers or has indicated, in writing, an intention to serve as a
7 volunteer with the school or service center.

8 (c) A person to whom Subsection (a) or (b) applies must
9 provide to the school district, open-enrollment charter school,
10 private school, regional education service center, or shared
11 services arrangement a driver's license or another form of
12 identification containing the person's photograph issued by an
13 entity of the United States government.

14 (d) A person to whom Subsection (a) applies may not perform
15 any student teaching or volunteer duties until all requirements
16 under Subsections (a) and (c) have been satisfied.

17 (e) Subsections (a) and (c) do not apply to a person who
18 volunteers or is applying to volunteer with a school district,
19 open-enrollment charter school, or shared services arrangement if
20 the person:

21 (1) is the parent, guardian, or grandparent of a child
22 who is enrolled in the district or school for which the person
23 volunteers or is applying to volunteer;

24 (2) will be accompanied by a school district employee
25 while on a school campus; or

26 (3) is volunteering for a single event on the school
27 campus.

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

6 (g) A school district, open-enrollment charter school,
7 private school, regional education service center, or shared
8 services arrangement may require a student teacher, volunteer, or
9 volunteer applicant to pay any costs related to obtaining criminal
10 history record information under this section.

11 Sec. 22.085. EMPLOYEES AND APPLICANTS CONVICTED OF OR
12 PLACED ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN
13 OFFENSES. (a) A school district, open-enrollment charter school,
14 or shared services arrangement shall discharge or refuse to hire an
15 employee or applicant for employment if the district, school, or
16 shared services arrangement obtains information through a criminal
17 history record information review that the employee or applicant
18 has been:

19 (1) convicted of or placed on deferred adjudication
20 community supervision for an offense for which a defendant is
21 required to register as a sex offender under Chapter 62, Code of
22 Criminal Procedure; or

23 (2) convicted of:

24 (A) a felony offense under Title 5, Penal Code,
25 if the victim of the offense was under 18 years of age at the time
26 the offense was committed; or

27 (B) an offense under the laws of another state or

1 federal law that is equivalent to an offense under Subdivision (1)
2 or Paragraph (A).

3 (b) Subsection (a) does not apply if the employee or
4 applicant for employment committed an offense under Title 5, Penal
5 Code and:

6 (1) the date of the offense is more than 30 years
7 before:

8 (A) the effective date of S.B. No. 9, Acts of the
9 80th Legislature, Regular Session, 2007, in the case of a person
10 employed by a school district, open-enrollment charter school, or
11 shared services arrangement as of that date; or

12 (B) the date the person's employment will begin,
13 in the case of a person applying for employment with a school
14 district, open-enrollment charter school, or shared services
15 arrangement after the effective date of S.B. No. 9, Acts of the 80th
16 Legislature, Regular Session, 2007; and

17 (2) the employee or applicant for employment satisfied
18 all terms of the court order entered on conviction.

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

1 open-enrollment charter school, or shared services arrangement
2 must ensure that an entity that the district, school, or shared
3 services arrangement contracts with for services has obtained all
4 criminal history record information as required by Section [22.0834](#)
5 ~~or [22.08341](#)~~.

6 (d) A school district, open-enrollment charter school,
7 private school, regional education service center, or shared
8 services arrangement may discharge an employee if the district or
9 school obtains information of the employee's conviction of a felony
10 or of a misdemeanor involving moral turpitude that the employee did
11 not disclose to the State Board for Educator Certification or the
12 district, school, service center, or shared services arrangement.
13 An employee discharged under this section is considered to have
14 been discharged for misconduct for purposes of Section [207.044](#),
15 Labor Code.

16 (e) The State Board for Educator Certification may impose a
17 sanction on an educator who does not discharge an employee or refuse
18 to hire an applicant for employment if the educator knows or should
19 have known, through a criminal history record information review,
20 that the employee or applicant has been:

21 (1) convicted of or placed on deferred adjudication
22 community supervision for an offense described by Subsection
23 (a)(1); or

24 (2) convicted of an offense described by Subsection
25 (a)(2).

26 (f) Each school year, the superintendent of a school
27 district or chief operating officer of an open-enrollment charter

1 school shall certify to the commissioner that the district or
2 school has complied with this section.

3 ARTICLE 21. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

4 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD
5 INFORMATION: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. (a) The
6 Texas Commission on Environmental Quality is entitled to obtain
7 from the department criminal history record information maintained
8 by the department that relates to:

9 (1) a person who:

10 (A) is an applicant for a license or registration
11 under:

12 (i) Health and Safety Code Chapters 341,
13 361, and 366;

14 (ii) Occupations Code Chapter 1903; or

15 (iii) Texas Water Code Chapters 37 and 26;

16 (B) is the holder of a license or registration
17 under the statutes listed in 411.###(1)(A); or

18 (C) requests a determination of eligibility for a
19 license or registration from the agency under the statutes listed
20 in 411.###(1)(A).

21 (b) Texas criminal history record information obtained by
22 the Texas Commission on Environmental Quality under Subsection (a)
23 may not be released or disclosed to any person except on court
24 order, with the written consent of the person that is the subject of
25 the criminal history record information, or as provided by
26 Subsection (d).

27 (c) After completion of the criminal history review or

1 proceeding for a person, for the purposes of a licensure or
2 registration, the Texas Commission on Environmental Quality shall
3 destroy the criminal history record information that relates to
4 that person.

5 (d) The Texas Commission on Environmental Quality is not
6 prohibited from disclosing criminal history record information
7 obtained under Subsection (a) in a criminal proceeding or in an
8 administrative proceeding conducted by:

9 (i) the Texas Commission on Environmental
10 Quality; or

11 (ii) the State Office of Administrative
12 Hearings.

13 (e) In accordance with Section 411.087, the Texas
14 Commission on Environmental Quality may obtain criminal history
15 record information from the Federal Bureau of Investigation
16 identification division.

17 (f) Criminal history record information obtained by the
18 Federal Bureau of Investigation shall not be disseminated.

19 ARTICLE 22. TEXAS RACING COMMISSION

20 SECTION 1. Section 411.096, Government Code, is amended to
21 read as follows:

22 Sec. 411.096. ACCESS TO CRIMINAL HISTORY RECORD
23 INFORMATION: TEXAS RACING COMMISSION. (a) The Texas Racing
24 Commission is entitled to obtain from the department criminal
25 history record information maintained by the department that
26 relates to [~~a person who is~~]:

27 (1) a person who is:

1 (A) an applicant for or the holder of a license
2 under Chapter 2025 of the Texas Occupations Code; or

3 (B) a controlling person, as defined in Chapter
4 2025 of the Texas Occupations Code, of an entity described therein;

5 (C) an owner or manager of an applicant for any
6 license promulgated under Chapter 2025 of the Texas Occupations
7 Code license under (A); or

8 (D) the holder of a license or certificate under
9 that Act; or

10 (2) a person who:

11 (A) is an applicant for or the holder of a license
12 under Chapter 2025 of the Texas Occupations Code; or

13 (B) has an interest described under Section
14 Chapter 2025 of the Texas Occupations Code, in an entity described
15 therein.

16 (3) an applicant for employment at or current employee
17 of:

18 (A) The Texas Racing Commissions defined by Texas
19 Occupations Code 2022; or

20 (B) employment within the Texas Racing industry.

21 (4) an applicant for employment at, current employee
22 of, or person who contracts or may contract to provide goods or
23 services with the Texas Racing Commission that monitors racing in
24 Texas as described by Texas Occupations Code Chapter 2022.

25 (b) Texas criminal history record information obtained by
26 the Texas Racing Commission under Subsection (a) may not be
27 released or disclosed to any person except on court order, with the

1 written consent of the person or entity that is the subject of the
2 criminal history record information, or as provided by Subsection
3 (c).

4 (c) After an entity is licensed or certified, the Texas
5 Racing Commission shall destroy the criminal history record
6 information that relates to that entity. The Texas Racing
7 Commission shall destroy the criminal history record information
8 that relates to:

9 (1) an applicant for employment after that applicant
10 is employed or, for an applicant who is not employed, after the
11 check of the criminal history record information on that applicant
12 is completed; or

13 (2) an employee or contractor after the check of the
14 criminal history record information on that employee or contractor
15 is completed.

16 (d) The Texas Racing Commission shall destroy criminal
17 history record information that relates to an applicant who is not
18 certified or employed, as applicable.

19 (e) The Texas Racing Commission is not prohibited from
20 disclosing Texas criminal history record information obtained
21 under Subsection (a) in a criminal proceeding or in a hearing
22 conducted by the Texas Racing Commission or the State Office of
23 Administrative Hearings, as applicable.

24 (f) In accordance with Section [411.087](#), the Texas Racing
25 Commission shall obtain criminal history record information from
26 the Federal Bureau of Investigation identification division.

27 (g) Criminal history record information obtained by the

1 Federal Bureau of Investigation shall not be disseminated.

2 SECTION 2. Section 2025.251, Occupations Code, is amended
3 to read as follows:

4 Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED. (a) Except
5 as provided by this section, a person, other than as a spectator or
6 as a person placing a wager, may not participate in ~~racing with~~
7 pari-mutuel racing activities or wagering without first obtaining a
8 license from the commission. A person may not engage in any
9 occupation for which commission rules require a license under this
10 subtitle without first obtaining a license from the commission.

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

16 (1) ~~works~~ in an occupation as an employee, contractor,
17 or volunteer, determined by the commission to afford the individual
18 ~~the employee~~ an opportunity to influence racing with pari-mutuel
19 wagering;

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

22 (3) Notwithstanding section (b) above, the following
23 individuals require a criminal history background check before an
24 occupational license is issued: commissioners, racing commission
25 employees, racing association employees, owners or employees of
26 race horses.

ARTICLE 23. TEXAS STATE BOARD OF DENTAL EXAMINERS

Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD

INFORMATION: STATE BOARD OF DENTAL EXAMINERS. (a) The State Board of Dental Examiners is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

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

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

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

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

(b) Texas ~~C~~riminal history record information obtained by the State Board of Dental Examiners under Subsection (a) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

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

(d) The State Board of Dental Examiners is not prohibited from disclosing Texas criminal history record information obtained

1 under Subsection (a) in a criminal proceeding or in a hearing
2 conducted by the State Board of Dental Examiners or State Office of
3 Administrative Hearings.

4 (e) In accordance with Section 411.087, the State Board of
5 Dental Examiners shall obtain criminal history record information
6 from the Federal Bureau of Investigation identification division.

7 (f) Criminal history record information obtained by the
8 Federal Bureau of Investigation shall not be disseminated.

9 ARTICLE 24. CONSUMER CREDIT COMMISSIONER

10 SECTION 24.01. Section 411.095, Government Code, is amended
11 to read as follows:

12 Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD
13 INFORMATION: CONSUMER CREDIT COMMISSIONER. (a) The consumer
14 credit commissioner is entitled to obtain from the department
15 criminal history record information maintained by the department
16 that relates to a person who is:

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

20 (2) an officer, director, owner, or employee of the
21 entity or another person having a substantial relationship with the
22 entity under Chapter 180, 342, 347, 348, 351, 353, 371, 393, or 394,
23 Finance Code;

24 (3) an employee of or volunteer with the Office of
25 Consumer Credit Commissioner;

26 (4) [~~3~~] an applicant for employment with the Office
27 of Consumer Credit Commissioner; or

1 (5) [~~(4)~~] a contractor or subcontractor of the Office
2 of Consumer Credit Commissioner.

3 (b) Texas criminal history record information obtained by
4 the Office of Consumer Credit Commissioner under Subsection (a) may
5 not be released or disclosed to any person except: [~~The consumer~~
6 ~~credit commissioner may not release or disclose criminal history~~
7 ~~record information obtained under this section unless:~~

8 [~~(1) the information is obtained from a~~
9 ~~fingerprint-based search; and~~

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

11 (1) [~~(A)~~] on court order;

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

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

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

18 (c) In accordance with Section 411.087, the consumer credit
19 commissioner may obtain criminal history record information from
20 the Federal Bureau of Investigation identification division
21 regarding a person described by subsection (a).

22 (d) Criminal history record information obtained by the
23 Federal Bureau of Investigation shall not be disseminated except to
24 the person who is the subject of the criminal history record
25 information.

26 SECTION 24.02. Section 14.151(a), Finance Code, is amended
27 to read as follows:

1 (a) The commissioner or an assistant commissioner,
2 examiner, or other employee of the office shall obtain criminal
3 history record information maintained by the Department of Public
4 Safety, the Federal Bureau of Investigation Identification
5 Division, or another law enforcement agency relating to a person
6 described by Section 411.095(a)(1) or (2) [~~411.095(a)(1)~~],
7 Government Code.

8 ARTICLE 25. TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

9 SECTION 25.01. Section 411.109, Government Code, is amended
10 by amending Subsection (d) and adding Subsections (f), (g), and (h)
11 to read as follows:

12 (d) Texas Criminal history record information obtained by
13 the comptroller under 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 or entity that is the subject of the
16 criminal history record information, or as provided by Subsections
17 [Subsection] (e) or (f).

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

22 (g) In accordance with Section 411.087, the comptroller may
23 obtain criminal history record information from the Federal Bureau
24 of Investigation identification division.

25 (h) Criminal history record information obtained by the
26 Federal Bureau of Investigation shall not be disseminated.

1 ARTICLE 26. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS:

2 MANUFACTURED HOUSING DIVISION

3 Tex. Occ. Code 1201.1031(f) the department is entitled to obtain
4 criminal history record information maintained by the Department of
5 Public Safety that relates to:

6 (1) a person who is:

7 (A) an applicant for a license under Chapter 1201
8 of the Texas Occupations Code;

9 (B) an owner, officer, related person or manager
10 of an applicant for manufacturer, retailer, broker, installer, or
11 salesperson license under (A); or

12 (C) the holder of a license under that Act; or

13 (2) an applicant for a license or a license holder
14 under Chapter 1201 of the Texas Occupations Code;

15 (g) Texas criminal history record information obtained by
16 the Manufactured Housing Division under Subsection (a) may not be
17 released or disclosed to any person except on court order, with the
18 written consent of the person or entity that is the subject of the
19 criminal history record information, or as provided by Subsection
20 (e).

21 (h) Texas criminal history record information obtained by
22 the department under Subsection (a) may not be released or
23 disclosed to any person except on court order, with the written
24 consent of the person or entity that is the subject of the criminal
25 history record information, or as provided by Subsection (e).

26 (i) The department shall destroy the criminal history
27 record information that relates to an applicant for licensure after

1 that applicant is licensed or, for an applicant who is not licensed,
2 after the check of the criminal history record information on that
3 applicant is completed;

4 (j) the department is not prohibited from disclosing
5 criminal history record information obtained under Subsection (f)
6 in a criminal proceeding or in a hearing conducted by the
7 department.

8 (k) In accordance with Section 411.087 and Tex. Occ. Code §
9 1201.1031, the department shall obtain criminal history record
10 information from the Federal Bureau of Investigation
11 identification division.

12 (l) Criminal history record information obtained by the
13 Federal Bureau of Investigation shall not be disseminated.

14 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD
15 INFORMATION: The Manufactured Housing Division. (a) The
16 Manufactured Housing Division is entitled to obtain from the
17 department criminal history record information maintained by the
18 department that relates to:

19 (1) a person who is:

20 (A) an applicant for a license under Chapter 1201
21 of the Texas Occupations Code;

22 (B) an owner, officer, related person or manager
23 of an applicant for manufacturer, retailer, broker, installer, or
24 salesperson license under (A); or

25 (C) the holder of a license under that Act;

26 (2) an applicant for a license or a license holder
27 under Chapter 1201 of the Texas Occupations Code;

1 (b) Texas criminal history record information obtained by
2 the Manufactured Housing Division under Subsection (a) may not be
3 released or disclosed to any person except on court order, with the
4 written consent of the person or entity that is the subject of the
5 criminal history record information, or as provided by Subsection
6 (e).

7 (c) After an entity is licensed, the Manufactured Housing
8 Division, shall destroy the criminal history record information
9 that relates to that entity. The Manufactured Housing Division
10 shall destroy the criminal history record information that relates
11 to:

12 (1) an applicant for licensure after that applicant is
13 licensed or, for an applicant who is not licensed, after the check
14 of the criminal history record information on that applicant is
15 completed; or

16 (2) a licensee after the check of the criminal history
17 record information on that licensee is completed.

18 (d) The Manufactured Housing Division shall destroy
19 criminal history record information that relates to an applicant
20 who is not licensed, as applicable.

21 (e) The Manufactured Housing Division is not prohibited
22 from disclosing criminal history record information obtained under
23 Subsection (a) in a criminal proceeding or in a hearing conducted by
24 the Manufactured Housing Division.

25 (g) In accordance with Section [411.087](#) or Chapter [1201](#) of
26 the Texas Occupations Code, the Manufactured Housing Division shall
27 obtain criminal history record information from the Federal Bureau

1 of Investigation identification division.

2 (h) Criminal history record information obtained by the
3 Federal Bureau of Investigation shall not be disseminated.

4 ARTICLE 27. TEXAS DEPARTMENT OF LICENSING AND REGULATION

5 SECTION 27.01. Section 411.093, Government Code, is amended
6 to read as follows:

7 Sec. 411.093. ACCESS TO CRIMINAL HISTORY RECORD
8 INFORMATION: TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a)
9 The Texas Department of Licensing and Regulation is entitled to
10 obtain from the department criminal history record information
11 maintained by the department that relates to ~~[a person who is]~~:

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

13 (A) a driver education instructor license under
14 Chapter 1001, Education Code; [a license, certificate,
15 ~~registration, title, or permit issued by the department]; [or]~~

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

18 (C) a license under Chapter 401, Occupations
19 Code;

20 (D) a license under Chapter 402, Occupations
21 Code;

22 (2) a person who is: ~~[the holder of a license,~~
23 ~~certificate, registration, title, or permit issued by the~~
24 ~~department]~~

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

27 (B) a controlling person, as defined in Chapter

1 91, Labor Code, of an entity described in Paragraph (A); or

2 (3) a person who:

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

5 (B) has an interest described under Section
6 455.1525(e), Occupations Code, in an entity described in Paragraph
7 (A).

8 (b) Criminal history record information obtained by the
9 Texas Department of Licensing and Regulation under Subsection (a)
10 may not be released or disclosed to any person except on court
11 order, with the written consent of the person or entity that is the
12 subject of the criminal history record information, or as provided
13 by Subsection (c).

14 (c) The Texas Department of Licensing and Regulation is not
15 prohibited from disclosing criminal history record information
16 obtained under Subsection (a) in a criminal proceeding or in a
17 hearing conducted by the Texas Department of Licensing and
18 Regulation or the State Office of Administrative Hearings, as
19 applicable.

20 (d) In accordance with Section 411.087, the Texas
21 Department of Licensing and Regulation shall obtain criminal
22 history record information from the Federal Bureau of Investigation
23 identification division.

24 (e) Criminal history record information obtained by the
25 Federal Bureau of Investigation shall not be disseminated.

26 SECTION 2. Section 411.122(d), Government Code, as amended
27 by Chapter 768 (H.B. 1501), Acts of the 86th Legislature, Regular

1 Session, 2019, is amended to read as follows:

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

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

6 (2) Texas Board of Architectural Examiners;

7 (3) Texas Board of Chiropractic Examiners;

8 (4) State Board of Dental Examiners;

9 (5) Texas Board of Professional Engineers;

10 (6) Texas Funeral Service Commission;

11 (7) Texas Board of Professional Geoscientists;

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

15 (9) Texas Board of Professional Land Surveying;

16 (10) Texas Department of Licensing and Regulation[
17 ~~except as provided by Section [411.093](#)];~~

18 (11) Texas Commission on Environmental Quality;

19 (12) Texas Board of Occupational Therapy Examiners;

20 (13) Texas Optometry Board;

21 (14) Texas State Board of Pharmacy;

22 (15) Texas Board of Physical Therapy Examiners;

23 (16) Texas State Board of Plumbing Examiners;

24 (17) Texas Behavioral Health Executive Council;

25 (18) Texas Real Estate Commission;

26 (19) Texas Department of Transportation;

27 (20) State Board of Veterinary Medical Examiners;

- 1 (21) Texas Department of Housing and Community
2 Affairs;
- 3 (22) secretary of state;
- 4 (23) state fire marshal;
- 5 (24) Texas Education Agency;
- 6 (25) Department of Agriculture; and
- 7 (26) Texas Department of Motor Vehicles.

8 SECTION 3. Section [411.122](#)(d), Government Code, as amended
9 by Chapter 1232 (H.B. 1523), Acts of the 86th Legislature, Regular
10 Session, 2019, is amended to read as follows:

11 (d) The following state agencies are subject to this
12 section:

- 13 (1) Texas Appraiser Licensing and Certification
14 Board;
- 15 (2) Texas Board of Architectural Examiners;
- 16 (3) Texas Board of Chiropractic Examiners;
- 17 (4) State Board of Dental Examiners;
- 18 (5) Texas Board of Professional Engineers and Land
19 Surveyors;
- 20 (6) Texas Funeral Service Commission;
- 21 (7) Texas Board of Professional Geoscientists;
- 22 (8) Health and Human Services Commission, except as
23 provided by Section [411.110](#), and agencies attached to the
24 commission, including:
 - 25 (A) Texas State Board of Examiners of Marriage
26 and Family Therapists;
 - 27 (B) Texas State Board of Examiners of

1 Professional Counselors; and

2 (C) Texas State Board of Social Worker Examiners;

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

5 (10) Texas Commission on Environmental Quality;

6 (11) Texas Board of Occupational Therapy Examiners;

7 (12) Texas Optometry Board;

8 (13) Texas State Board of Pharmacy;

9 (14) Texas Board of Physical Therapy Examiners;

10 (15) Texas State Board of Plumbing Examiners;

11 (16) Texas State Board of Examiners of Psychologists;

12 (17) Texas Real Estate Commission;

13 (18) Texas Department of Transportation;

14 (19) State Board of Veterinary Medical Examiners;

15 (20) Texas Department of Housing and Community
16 Affairs;

17 (21) secretary of state;

18 (22) state fire marshal;

19 (23) Texas Education Agency;

20 (24) Department of Agriculture; and

21 (25) Texas Department of Motor Vehicles.

22 SECTION 4. Section 411.122(d), Government Code, as amended
23 by Chapter 684 (S.B. 2200), Acts of the 86th Legislature, Regular
24 Session, 2019, is amended to read as follows:

25 (d) The following state agencies are subject to this
26 section:

27 (1) Texas Appraiser Licensing and Certification

- 1 Board;
- 2 (2) Texas Board of Architectural Examiners;
- 3 (3) Texas Board of Chiropractic Examiners;
- 4 (4) State Board of Dental Examiners;
- 5 (5) Texas Board of Professional Engineers;
- 6 (6) Texas Funeral Service Commission;
- 7 (7) Texas Board of Professional Geoscientists;
- 8 (8) Health and Human Services Commission and the
- 9 Department of State Health Services, except as provided by Section
- 10 [411.110](#), and agencies attached to that commission, including:
- 11 (A) Texas State Board of Examiners of Marriage
- 12 and Family Therapists;
- 13 (B) Texas State Board of Examiners of
- 14 Professional Counselors; and
- 15 (C) Texas State Board of Social Worker Examiners;
- 16 (9) Texas Board of Professional Land Surveying;
- 17 (10) Texas Department of Licensing and Regulation[~~7~~
- 18 ~~except as provided by Section [411.093](#)];~~
- 19 (11) Texas Commission on Environmental Quality;
- 20 (12) Texas Board of Occupational Therapy Examiners;
- 21 (13) Texas Optometry Board;
- 22 (14) Texas State Board of Pharmacy;
- 23 (15) Texas Board of Physical Therapy Examiners;
- 24 (16) Texas State Board of Plumbing Examiners;
- 25 (17) Texas State Board of Examiners of Psychologists;
- 26 (18) Texas Real Estate Commission;
- 27 (19) Texas Department of Transportation;

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

9 ARTICLE 28. TEXAS LOTTERY COMMISSION

10 Sec. 411.108. ACCESS TO CRIMINAL HISTORY RECORD
11 INFORMATION: TEXAS LOTTERY COMMISSION. (a) The Texas Lottery
12 Commission is entitled to obtain from the department criminal
13 history record information maintained by the department that
14 relates to a person who, under Chapter 466, is:

- 15 (1) a sales agent or an applicant for a sales agent
16 license;
17 (2) a person required to be named in a license
18 application;
19 (3) a lottery operator or prospective lottery
20 operator;
21 (4) an employee of a lottery operator or prospective
22 lottery operator, if the employee is or will be directly involved in
23 lottery operations;
24 (5) a person who manufactures or distributes lottery
25 equipment or supplies or a representative of a person who
26 manufactures or distributes lottery equipment or supplies offered
27 to the lottery;

1 (6) a person who has submitted a written bid or
2 proposal to the commission in connection with the procurement of
3 goods or services by the commission, if the amount of the bid or
4 proposal exceeds \$500;

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

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

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

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

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

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

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

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

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

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

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

1 (i) selling tickets; or
2 (ii) handling money from the sale of
3 tickets;

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

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

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

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

15 (b) Texas Criminal history record information obtained by
16 the commission under Subsection (a) or (a-1) may not be released or
17 disclosed to any person except on court order, with the written
18 consent of the person or entity that is the subject of the criminal
19 history record information, or as provided by Subsection (~~ee~~).

20 (c) After an entity is licensed or certified, the commission
21 shall destroy the criminal history record information that relates
22 to that entity. The commission shall destroy the criminal history
23 record information that relates to:

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

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

4 (d) The Texas Lottery Commission shall destroy criminal
5 history record information that relates to an applicant who is not
6 certified or employed, as applicable.

7 (e) The Texas Lottery Commission is not prohibited from
8 disclosing criminal history record information obtained under
9 Subsection (a) in a criminal proceeding or in a hearing conducted by
10 the State Office of Administrative HearingsTexas Lottery
11 Commission.

12 (g) In accordance with Government Code Sections [411.087](#),
13 466.201, and 467.036(b), and Occupations Code Section 2001.3025,
14 the Texas Lottery Commission shall obtain criminal history record
15 information from the Federal Bureau of Investigation
16 identification division.

17 (h) Criminal history record information obtained by the
18 Federal Bureau of Investigation shall not be disseminated.

19 ~~(c) The commission is not prohibited from disclosing to the~~
20 ~~person who is the subject of the criminal history record~~
21 ~~information the dates and places of arrests, offenses, and~~
22 ~~dispositions contained in the criminal history record information.~~

23 ARTICLE 29. TEXAS MEDICAL BOARD

24 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD
25 INFORMATION: TEXAS MEDICAL BOARD. (a) The Texas Medical Board is
26 entitled to obtain from the department criminal history record
27 information maintained by the department that relates to:

- 1 (1) a person who is:
- 2 (A) an applicant for or holder of a license to
- 3 practice medicine;
- 4 (B) an applicant for or holder of a license to
- 5 practice as a physician assistant;
- 6 (C) an applicant for or holder of a license to
- 7 practice as an acupuncturist;
- 8 (D) an applicant for or holder of a certificate
- 9 to practice as an acudetox specialist;
- 10 (E) an applicant for or holder of a license to
- 11 practice as a surgical assistant;
- 12 (F) an applicant for or holder of a general
- 13 certificate to perform radiologic procedures, limited certificate
- 14 to perform radiologic procedures only on specific parts of the
- 15 body, or radiologist assistant certificate;;
- 16 (G) an applicant for or holder of a placement on
- 17 the registry of non-certified technicians;
- 18 (H) an employee of an applicant for a hardship
- 19 exemption;
- 20 (I) an applicant for or holder of a license to
- 21 practice as a medical physicist;
- 22 (J) an applicant for or holder of a license to
- 23 practice as a perfusionist;
- 24 (K) an applicant for or holder of a license to
- 25 practice as a respiratory care practitioner; and
- 26 (L) an applicant for or holder of a pain
- 27 management clinic certificate.

1 (b) Texas criminal history record information obtained by
2 the Texas Medical Board under Subsection (a) may not be released or
3 disclosed to any person, except as provided by subsection (c).

4 (c) The Texas Medical Board is not prohibited from
5 disclosing criminal history record information obtained under
6 Subsection (a) in a hearing conducted by the Medical Board or its
7 advisory boards.

8 (d) In accordance with Section 411.087, the Texas Medical
9 Board may obtain criminal history record information from the
10 Federal Bureau of Investigation identification division.

11 (e) Criminal history record information obtained by the
12 Federal Bureau of Investigation shall not be disseminated.

13 ARTICLE 30. JUDICIAL BRANCH CERTIFICATION COMMISSION

14 SECTION 30.01. Chapter 1104, Estates Code, is amended to
15 read as follows:

16 Sec. 1104.402. COURT CLERK'S DUTY TO OBTAIN CRIMINAL
17 HISTORY RECORD INFORMATION; AUTHORITY TO CHARGE FEE. (a) Except as
18 provided by Section [~~1104.403~~] 1104.404, or 1104.406(a), the clerk
19 of the county having venue of the proceeding for the appointment of
20 a guardian shall obtain criminal history record information that is
21 maintained by the Department of Public Safety or the Federal Bureau
22 of Investigation identification division relating to:

23 (1) a private professional guardian;

24 (2) each person who represents or plans to represent
25 the interests of a ward as a guardian on behalf of the private
26 professional guardian;

27 (3) each person employed by a private professional

1 guardian who will:

2 (A) have personal contact with a ward or proposed
3 ward;

4 (B) exercise control over and manage a ward's
5 estate; or

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

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

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

14 (b) The clerk may charge a \$10 fee to recover the costs of
15 obtaining criminal history record information under Subsection
16 (a).

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

21 SECTION 30.02. Chapter 1104, Estates Code, is amended to
22 read as follows:

23 Sec. 1104.404. EXCEPTION FOR INFORMATION CONCERNING
24 CERTAIN PERSONS. (a) The clerk described by Section 1104.402 is
25 not required to obtain criminal history record information from the
26 Department of Public Safety for a person if the Judicial Branch
27 Certification Commission conducted a criminal history check on the

1 person under Section 155.203 and Section 155.207~~[Chapter 155]~~,
2 Government Code. However, the clerk shall obtain criminal history
3 record information from the Federal Bureau of Investigation
4 identification division relating to each person described in
5 Section 1104.402 regardless of whether the Judicial Branch
6 Certification Commission obtained information on such a person.

7 (b) The commission ~~[board]~~ shall provide to the clerk ~~[at~~
8 ~~the court's request]~~ the criminal history record information that
9 was obtained from the Department of Public Safety~~[or the Federal~~
10 ~~Bureau of Investigation]~~. The commission is prohibited from
11 disseminating criminal history record information that was
12 obtained from the Federal Bureau of Investigation pursuant to
13 Section 411.1408, Government Code, for purposes of determining
14 whether an applicant is ineligible for certification as a guardian.

15 SECTION 30.03. Chapter 1104, Estates Code, is amended to
16 read as follows:

17 Sec. 1104.405. INFORMATION FOR EXCLUSIVE USE OF COURT. (a)
18 Criminal history record information obtained or provided under
19 Section 1104.402, ~~[1104.403,]~~or 1104.404 is privileged and
20 confidential and is for the exclusive use of the court. The
21 criminal history record information may not be released or
22 otherwise disclosed to any person or agency except on court order
23 ~~[or consent of the person being investigated]~~. The court may use
24 the criminal history record information only in order to determine
25 whether to:

26 (1) appoint, remove, or continue the appointment of a
27 private professional guardian, a guardianship program, or the

1 Health and Human Services Commission; or
2 (2) appoint any other person proposed to serve as a
3 guardian under Title 3, Estates Code, including a proposed
4 temporary guardian and a proposed successor guardian, other than an
5 attorney.

6 (b) The county clerk may destroy the criminal history record
7 information after the information is used for the purposes
8 authorized by this subchapter.

9 SECTION 30.04. Chapter 152, Government Code, is amended to
10 read as follows:

11 Sec. 152.203. RULES ON INELIGIBILITY. The supreme court
12 shall by order adopt rules on applicants' ineligibility for
13 certification, registration, or licensing under this subtitle
14 based on the applicant's~~person's~~ criminal history or other
15 information that indicates the applicant~~person~~ lacks the
16 honesty, trustworthiness, or integrity to hold the certification,
17 registration, or license. The commission shall, in accordance with
18 this Section and rules adopted by order of the supreme court, obtain
19 criminal history record information that is maintained by the
20 Department of Public Safety or the Federal Bureau of Investigation
21 identification division on each applicant for certification,
22 registration, or licensing under this subtitle to be used solely
23 for the determination of each applicant's ineligibility pursuant to
24 rules adopted by supreme court order under this Section. The
25 commission may not use criminal history record information obtained
26 from the Federal Bureau of Investigation identification division
27 under ~~the~~ this Section for any other purpose. The commission may

1 not transfer criminal history record information obtained from the
2 Federal Bureau of Investigation identification division under this
3 Section to any other state agency, entity, or person, other than the
4 person who is the subject of the criminal history record
5 information. The commission shall dispose of criminal history
6 record information immediately after each determination of
7 ineligibility is made.

8 SECTION 30.05. Chapter 155, Government Code, is amended to
9 read as follows:

10 Sec. 155.205. DUTY TO OBTAIN CRIMINAL HISTORY RECORD
11 INFORMATION. (a) In accordance with the rules adopted by the
12 supreme court under Section 155.203, the commission shall
13 obtain-criminal history record information that is maintained by
14 the Department of Public Safety. The clerk shall obtain criminal
15 history record information from ~~[or]~~ the Federal Bureau of
16 Investigation identification division relating to an individual
17 seeking appointment as a guardian or temporary guardian in
18 accordance with Subsection (b).

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

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

24 (2) ~~(B)~~ the proposed guardian is not a resident of
25 this state. ~~[, or]~~

26 (c) ~~(2)~~ The commission shall obtain name-based criminal
27 history record information of a proposed guardian, including any

1 criminal history record information under the current name and all
2 former names of the proposed guardian, if:

3 (1)~~[(A)]~~ the liquid assets of the estate of a ward are
4 \$50,000 or less; and

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

7 (d) Each proposed guardian described in Subsection (b)
8 shall file with the commission proof of having submitted to a
9 fingerprint-based criminal history search.

10 SECTION 30.06. Chapter 155, Government Code, is amended to
11 read as follows:

12 Sec. 155.207. USE OF CRIMINAL HISTORY RECORD INFORMATION.

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

17 (b) A court may use Texas ~~[the]~~ criminal history record
18 information obtained under this subchapter only in the same manner
19 and only to the same extent a court is authorized to use the
20 information under Section 1104.409, Estates Code.

21 SECTION 30.07. Chapter 411, Government Code, is amended to
22 read as follows:

23 Sec. 411.1386. ACCESS TO CRIMINAL HISTORY RECORD
24 INFORMATION: COURT CLERK; HEALTH AND HUMAN SERVICES COMMISSION;

25 GUARDIANSHIPS. (a) Except as provided by Subsections (a-1)~~[-~~
26 ~~(a-5)]~~ and (a-4) ~~[(a-6)]~~, the clerk of the county having venue over
27 a proceeding for the appointment of a guardian under Title 3,

1 Estates Code, shall in accordance with Section 411.087 obtain from
2 the department criminal history record information maintained by
3 the department that relates to:

4 (1) a private professional guardian;

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

8 (3) each person employed by a private professional
9 guardian who will:

10 (A) have personal contact with a ward or proposed
11 ward;

12 (B) exercise control over and manage a ward's
13 estate; or

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

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

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

22 (a-1) The Health and Human Services Commission shall obtain
23 from the Department of Public Safety criminal history record
24 information maintained by the Department of Public Safety that
25 relates to each individual who is or will be providing guardianship
26 services to a ward of or referred by the Health and Human Services
27 Commission, including:

1 (1) an employee of or an applicant selected for an
2 employment position with the Health and Human Services Commission;

3 (2) a volunteer or an applicant selected to volunteer
4 with the Health and Human Services Commission;

5 (3) an employee of or an applicant selected for an
6 employment position with a business entity or other person that
7 contracts with the Health and Human Services Commission to provide
8 guardianship services to a ward referred by that commission;

9 (4) a volunteer or an applicant selected to volunteer
10 with a business entity or person described by Subdivision (3); and

11 (5) a contractor or an employee of a contractor who
12 provides services to a ward of the Health and Human Services
13 Commission under a contract with the estate of the ward.

14 (a-2) The information in Subsection (a-1) regarding
15 applicants for employment positions must be obtained before an
16 offer of employment, and the information regarding applicant
17 volunteers must be obtained before the person's contact with a ward
18 of or referred by the Health and Human Services Commission.

19 (a-3) The information in Subsection (a-1) regarding
20 employees, contractors, or volunteers providing guardianship
21 services must be obtained annually.

22 (a-4) ~~[The Health and Human Services Commission shall~~
23 ~~provide the information obtained under Subsection (a-1) to:~~

24 ~~(1) the clerk of the county having venue over the~~
25 ~~guardianship proceeding at the request of the court; and~~

26 ~~(2) the guardianship certification program of the~~
27 ~~Judicial Branch Certification Commission at the request of the~~

1 ~~Judicial Branch Certification Commission.~~

2 ~~(a-5) Not later than the 10th day before the date of the~~
3 ~~hearing to appoint a guardian, a person may submit to the clerk a~~
4 ~~copy of the person's criminal history record information required~~
5 ~~under Subsection (a)(5) that the person obtains from the department~~
6 ~~not earlier than the 30th day before the date of the hearing.~~

7 ~~(a-6)]~~ The clerk described by Subsection (a) is not required
8 to obtain criminal history record information from the Department
9 of Public Safety for a person if the Judicial Branch Certification
10 Commission conducted a criminal history check on the person under
11 Section 155.203 and Section 155.207 [~~Chapter 155~~]. The commission
12 shall provide to the clerk [~~at the court's request~~] the criminal
13 history record information that was obtained from the department
14 [~~or the Federal Bureau of Investigation~~]. The clerk shall in
15 accordance with Section 411.087 obtain criminal history record
16 information from the Federal Bureau of Investigation
17 identification division relating to any person described by
18 Subsection (a) regardless of whether the Judicial Branch
19 Certification Commission obtains criminal history record
20 information relating to such person.

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

25 (c) Criminal history record information obtained by or
26 provided to a clerk under this section [~~under Subsection (a),~~
27 ~~(a-5), or (a-6)] may not be released or disclosed to any person or~~

1 agency ~~except on court order [or with the consent of the person who~~
2 ~~is the subject of the information]~~. The clerk may destroy the
3 criminal history record information after the information is used
4 for the purposes authorized by this section.

5 (d) ~~[The criminal history record information obtained under~~
6 ~~Subsection (a-4) is for the exclusive use of the court or~~
7 ~~guardianship certification program of the Judicial Branch~~
8 ~~Certification Commission, as appropriate, and is privileged and~~
9 ~~confidential. The information may not be released or otherwise~~
10 ~~disclosed to any person or agency except on court order, with the~~
11 ~~consent of the person being investigated, or as authorized by~~
12 ~~Subsection (a-6) or Section 1104.404, Estates Code. The county~~
13 ~~clerk or guardianship certification program of the Judicial Branch~~
14 ~~Certification Commission may destroy the criminal history record~~
15 ~~information after the information is used for the purposes~~
16 ~~authorized by this section.~~

17 ~~(e)]~~ The court, as that term is defined by Section 1002.008,
18 Estates Code, shall use the information obtained or provided under
19 Subsection (a) or (a-4) ~~[,]~~ (a-4) ~~[(1), (a-5), or (a-6)]~~ only in
20 determining whether to:

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

24 (2) appoint any other person proposed to serve as a
25 guardian under Title 3, Estates Code, including a proposed
26 temporary guardian and a proposed successor guardian, other than an
27 attorney.

1 (e) [~~(f)~~] ~~Criminal history record information obtained by the~~
2 ~~guardianship certification program of the Judicial Branch~~
3 ~~Certification Commission under Subsection (a-4)(2) may be used for~~
4 ~~any purpose related to the issuance, denial, renewal, suspension,~~
5 ~~or revocation of a certificate issued by the commission.~~

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

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

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

17 [~~(i) 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 SECTION 30.08. Chapter 411, Government Code, is amended to
21 read as follows:

22 Sec. 411.1408. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:
23 JUDICIAL BRANCH CERTIFICATION COMMISSION. (a) In this section,
24 "commission" means the Judicial Branch Certification Commission
25 established under Chapter 152.

26 (b) In accordance with Section 411.087, the [~~The~~] commission
27 is entitled to obtain from the department criminal history record

1 information maintained by the department that relates to a person
2 who is an applicant for or the holder of a certificate,
3 registration, or license issued by the commission or otherwise
4 under Subtitle L, Title 2. The commission may not disseminate
5 criminal history record information obtained from the Federal
6 Bureau of Investigation.

7 (c) Criminal history record information obtained by the
8 commission under Subsection (b):

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

13 (2) may not be released or disclosed to any person
14 except:

15 (A) on court order; or

16 (B) [~~with the consent of the person who is the~~
17 ~~subject of the information, or~~]

18 ~~(C)~~ as authorized by Section
19 [411.1386\(a-4\)](#) [~~(a-6)~~] of this code or Section [1104.404](#), Estates
20 Code, if applicable; and

21 (3) shall be destroyed by the commission after the
22 information is used for the authorized purposes.

23 SECTION 30.09. Chapter [411](#), Government Code, is amended to
24 read as follows:

25 Sec. 411.1409. ACCESS TO CRIMINAL HISTORY INFORMATION:
26 APPELLATE COURTS. (a) In this section, "appellate court" means the
27 Supreme Court of Texas, the Texas Court of Criminal Appeals, or a

1 court of appeals.

2 (b) As authorized by Section 411.087, an~~An~~ appellate
3 court is entitled to obtain from the department criminal history
4 record information maintained by the department that relates to a
5 person who is an applicant for:

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

9 (c) Criminal history record information obtained by the
10 court under Subsection (b) may be used only to evaluate an
11 applicant.

12 (d) The court may not release or disclose information
13 obtained under Subsection (b) except on order of a district court
14 ~~[or with the consent of the person who is the subject of the~~
15 ~~criminal history record information]~~. Despite the issuance of an
16 order by a district court, the court may not disseminate criminal
17 history record information obtained from the Federal Bureau of
18 Investigation.

19 (e) After the expiration of any probationary term of the
20 person's employment, volunteer status, or appointment, the court
21 shall destroy all criminal history record information obtained
22 under Subsection (b).

23 SECTION 28.10. Sections 1104.403, 1104.407, 1104.408, and
24 1104.410, Estates Code, are repealed.

25 ARTICLE 31. EFFECTIVE DATE

26 SECTION 28.01. Except as otherwise provided by this Act,
27 this Act takes effect September 1, 2023.