

1-1 By: Zaffirini S.B. No. 1192  
1-2 (In the Senate - Filed February 24, 2023; March 9, 2023,  
1-3 read first time and referred to Committee on Health & Human  
1-4 Services; April 25, 2023, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 April 25, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1192 By: Perry

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to access to criminal history record information for  
1-22 certain employees, volunteers, and contractors, and for applicants  
1-23 for those positions, by the Health and Human Services Commission.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 411.1106, Government Code, is amended by  
1-26 amending Subsections (b), (c), (d), and (e) and adding Subsections  
1-27 (b-1), (c-1), and (f) to read as follows:

1-28 (b) ~~The [executive commissioner of the] commission[, or the~~  
1-29 ~~executive commissioner's designee,]~~ is entitled to obtain from the  
1-30 department criminal history record information maintained by the  
1-31 department that relates to a person who is required to be  
1-32 fingerprinted and is:

1-33 (1) an applicant for an employment or volunteer  
1-34 position or an applicant for a contract with the commission [for a  
1-35 position] in which the person, as an employee, volunteer, or  
1-36 contractor, an applicable, would have access to sensitive personal  
1-37 or financial information, as determined by the executive  
1-38 commissioner, in:

1-39 (A) the eligibility services division of the  
1-40 commission; ~~or]~~

1-41 (B) the commission's office of inspector  
1-42 general; or

1-43 (C) the regulatory services division of the  
1-44 commission; or

1-45 (2) an employee, volunteer, or contractor of the  
1-46 commission who has access to sensitive personal or financial  
1-47 information, as determined by the executive commissioner.

1-48 (b-1) Subject to Section 411.087, the commission is  
1-49 entitled to:

1-50 (1) obtain through the Federal Bureau of Investigation  
1-51 criminal history record information maintained or indexed by that  
1-52 bureau that pertains to a person described by Subsection (b); and

1-53 (2) obtain from any other criminal justice agency in  
1-54 this state criminal history record information maintained by that  
1-55 agency that relates to a person described by Subsection (b).

1-56 (c) Criminal history record information obtained by ~~[the~~  
1-57 ~~executive commissioner of]~~ the commission~~[, or by the executive~~  
1-58 ~~commissioner's designee,]~~ under this section ~~[Subsection (b)]~~ may  
1-59 not be released or disclosed, except:

1-60 (1) if the information is in a public record at the

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

2-7 (c-1) Notwithstanding Subsection (c), criminal history  
2-8 record information obtained by the commission under Subsection  
2-9 (b)(1) may not be released or disclosed to any person.

2-10 (d) The commission is not prohibited from disclosing  
2-11 criminal history record information obtained under this section  
2-12 [~~Subsection (b)~~] in a criminal proceeding or in a hearing conducted  
2-13 by the commission.

2-14 (e) The commission [~~executive commissioner~~] shall destroy  
2-15 all criminal history record information obtained under this section  
2-16 [~~Subsection (b)~~] as soon as practicable after the information is  
2-17 used for its authorized purpose.

2-18 (f) This section does not prohibit the commission from  
2-19 obtaining and using criminal history record information as provided  
2-20 by other law.

2-21 SECTION 2. This Act takes effect immediately if it receives  
2-22 a vote of two-thirds of all the members elected to each house, as  
2-23 provided by Section 39, Article III, Texas Constitution. If this  
2-24 Act does not receive the vote necessary for immediate effect, this  
2-25 Act takes effect September 1, 2023.

2-26 \* \* \* \* \*