

By: Zaffirini

S.B. No. 1785

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  
21 with a 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  
3 RECORD INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS. (a)  
4 Subject to Section 411.087, the department is authorized to obtain  
5 and use criminal history record information maintained by the  
6 Federal Bureau of Investigation or the department that relates to a  
7 person 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 commission  
9 issued by the department under Chapter 1702, Occupations Code;

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

14 (1) in a criminal proceeding;

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

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

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

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

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

1 record information.

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

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

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

- 8 (1) Texas Appraiser Licensing and Certification Board;
- 9 (2) Texas Board of Architectural Examiners;
- 10 (3) Texas Board of Chiropractic Examiners;
- 11 (4) State Board of Dental Examiners;
- 12 (5) Texas Board of Professional Engineers;
- 13 (6) Texas Funeral Service Commission;
- 14 (7) Texas Board of Professional Geoscientists;
- 15 (8) Health and Human Services Commission, except as  
16 provided by Section 411.110, and agencies attached to the  
17 commission;
- 18 (9) Texas Board of Professional Land Surveying;
- 19 (10) Texas Department of Licensing and Regulation,  
20 except as provided by Section 411.093;
- 21 (11) Texas Commission on Environmental Quality;
- 22 (12) ~~Texas Board~~ Executive Council of Physical Therapy  
23 and Occupational Therapy Examiners;
- 24 (13) Texas Optometry Board;
- 25 (14) Texas State Board of Pharmacy;
- 26 (15) ~~Texas Board of Physical Therapy Examiners;~~
- 27 ~~(16) Texas State Board of Plumbing Examiners;~~

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

12       ARTICLE 2. TEXAS APPRAISAL DISTRICT, APPOINTMENT TO APPRAISAL  
13 REVIEW BOARD, AND TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

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

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

1 certified general appraisal, or an appraisal management company  
2 regulated by the Texas Appraiser Licensing and Certification Board.

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

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

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

26 (e) After an individual is employed, licensed, or certified  
27 as described in this section, an appraisal district or the Texas

1 Appraiser Licensing and Certification Board shall destroy the  
2 criminal history record information that relates to that  
3 individual. An appraisal district or the Texas Appraiser Licensing  
4 and Certification Board shall destroy the criminal history record  
5 information that relates to:

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

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

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

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

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

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

27 ARTICLE 3. TEXAS BOARD OF ARCHITECTURAL EXAMINERS

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

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

8 (1) a person who is:

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

11 (B) the holder of an architectural registration  
12 under that Chapter;

13 (2) a person who is:

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

16 (B) the holder of a landscape architectural  
17 registration under that Chapter; or

18 (3) a person who is:

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

21 (B) the holder of an interior design registration  
22 under that Chapter.

23 (b) Texas criminal history record information obtained by the  
24 Texas Board of Architectural Examiners under Subsection (a) may not  
25 be released or disclosed to any person except on court order or as  
26 provided by Subsection (f).

27 (c) After a person is registered, the Texas Board of

1 Architectural Examiners shall destroy the criminal history record  
2 information that relates to that person.

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

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

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

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

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

27 ARTICLE 4. HEALTH AND HUMAN SERVICES COMMISSION: OFFICE OF

INSPECTOR GENERAL

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

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

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

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

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

(b) Texas criminal history record information obtained by the commission or an agency under Subsection (a):

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

1 applicant; and

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

5 (c) In accordance with Section 411.087, the commission or an  
6 agency under Subsection (a) may obtain criminal history record  
7 information from the Federal Bureau of Investigation  
8 identification division.

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

11 ARTICLE 5. STATE OFFICE OF ADMINISTRATIVE HEARINGS

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

14 Sec. 411.1411. ACCESS TO CRIMINAL HISTORY RECORD  
15 INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this  
16 section, "office" means the State Office of Administrative  
17 Hearings.

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

21 (1) an employee of, or an applicant for employment  
22 with, the office;

23 (2) a contractor, volunteer, or intern of the office,  
24 or an applicant to serve in one of those capacities; or

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

27 (c) Texas criminal history record information obtained by

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

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

7 (1) an applicant for employment after that applicant is  
8 employed or, for an applicant who is not employed, after a final  
9 employment determination on that applicant is made; or

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

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

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

19 ARTICLE 6. TEXAS ALCOHOLIC BEVERAGE COMMISSION

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

22 Sec. 411.XXX. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION  
23 OF THE FEDERAL BUREAU OF INVESTIGATION: TEXAS ALCOHOLIC BEVERAGE  
24 COMMISSION. (a) Subject to Section 411.087 and Public Law 92-544,  
25 the Texas Alcoholic Beverage Commission is authorized to obtain and  
26 use criminal history record information maintained by the Federal  
27 Bureau of Investigation that relates to a person who is an applicant

1 for or holds a license, permit, or certificate under the Texas  
2 Alcoholic Beverage Code.

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

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

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

16 ARTICLE 7. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

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

19 SECTION 411.XXX. ACCESS TO CRIMINAL HISTORY RECORD  
20 INFORMATION: TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. (a) The  
21 executive council is entitled to obtain from the Department of  
22 Public Safety of the State of Texas, criminal history record  
23 information maintained by the department that relates to a person  
24 who is an applicant for or licensed as:

25 (1) a licensed psychologist, licensed psychological  
26 associate, or licensed specialist in school psychology under  
27 Chapter 501 of the Occupations Code;

1           (2) a licensed marriage and family therapist or  
2 licensed marriage and family therapist associate under Chapter 502  
3 of the Occupations Code;

4           (3) a licensed professional counselor or licensed  
5 professional counselor associate under Chapter 503 of the  
6 Occupations Code; or

7           (4) a licensed baccalaureate social worker, licensed  
8 master social worker, or licensed clinical social worker under  
9 Chapter 505 of the Occupations Code.

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

15          (c) After a person is licensed, the executive council shall  
16 destroy the criminal history record information that relates to  
17 that person.

18          (d) The executive council shall destroy criminal history  
19 record information that relates to an applicant who is not  
20 licensed.

21          (e) After a license has been renewed or denied renewal, the  
22 executive council shall destroy criminal history record  
23 information that relates to the license holder renewing or  
24 attempting to renew the license.

25          (f) The executive council is not prohibited from disclosing  
26 criminal history record information obtained under Subsection (a)  
27 in a criminal proceeding or in a hearing conducted by the executive

1 council or State Office of Administrative Hearings.

2 (g) In accordance with Section 411.087 of the Government  
3 Code, the executive council shall obtain criminal history record  
4 information from the Federal Bureau of Investigation  
5 identification division by fingerprint submission.

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

8 ARTICLE 8. TEXAS DEPARTMENT OF MOTOR VEHICLES

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

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

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

18 (2) an applicant for or holds a license under Chapter  
19 2301 or Chapter 2302, Occupations Code; or

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

27 (b) Texas criminal history record information obtained by

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

6 (c) The Texas Department of Motor Vehicles is not prohibited  
7 from disclosing Texas criminal history record information obtained  
8 under Subsection (a) in a criminal proceeding or in a hearing in  
9 which the Texas Department of Motor Vehicles is a party.

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

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

15 ARTICLE 9. TEXAS REAL ESTATE COMMISSION

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

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

21 (1) "Commission" means the Texas Real Estate  
22 Commission.

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

25 (b) The commission is entitled to obtain from the department  
26 criminal history record information maintained by the department  
27 that relates to:

1           (1) an applicant for an initial broker or sales agent  
2 license or renewal of a broker or sales agent license under Chapter  
3 1101, Occupations Code;

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

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

13           (c) The board is entitled to obtain from the department  
14 criminal history record information maintained by the department  
15 that relates to:

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

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

25           (d) Neither the commission or the board is prohibited from  
26 disclosing Texas criminal history record information obtained  
27 under Subsections (b) or (c) in a criminal proceeding or in a

1 hearing conducted by the State Office of Administrative Hearings.

2 (e) In accordance with Section 411.087, and Sections  
3 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031  
4 Occupations Code, both the commission and board may obtain criminal  
5 history record information from the Federal Bureau of Investigation  
6 identification division.

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

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

11 (3-a) "Easement or right-of-way agent" means a person  
12 who sells, buys, leases, or transfers an easement or right-of-way  
13 for another, for compensation or with the expectation of receiving  
14 compensation, for use in connection with telecommunication,  
15 utility, railroad, or pipeline service.

16 SECTION 9.03. Sec. 1101.501, Occupations Code, is amended as  
17 follows:

18 Sec. 1101.501. CERTIFICATE REQUIRED. A person may not act as  
19 an easement or right-of-way agent [~~sell, buy, lease, or transfer an~~  
20 ~~easement or right-of-way for another, for compensation or with the~~  
21 ~~expectation of receiving compensation, for use in connection with~~  
22 ~~telecommunication, utility, railroad, or pipeline service]~~ unless  
23 the person:

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

25 (2) holds a certificate of registration issued under  
26 this subchapter.

27 SECTION 9.04. Sec. 1101.5041, Occupations Code, is amended as

1 follows:

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

8           ARTICLE 10. TEXAS STATE BOARD OF PLUMBING EXAMINERS

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

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

23           (b) Texas criminal history record information obtained by  
24 the Texas State Board of Plumbing Examiners under Subsection (a)  
25 may not be released or disclosed to any person except on court  
26 order, with the written consent of the person or entity that is the  
27 subject of the criminal history record information, or as provided

1 by Subsection (e).

2 (c) After the applicant is licensed, registered, endorsed,  
3 or certified, the Texas State Board of Plumbing Examiners shall  
4 destroy the criminal history record information that relates to  
5 that applicant.

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

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

15 (f) In accordance with Section 411.087 and Chapter 1301,  
16 Texas Occupations Code, the Texas State Board of Plumbing Examiners  
17 shall obtain criminal history record information from the Federal  
18 Bureau of Investigation identification division.

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

21 ARTICLE 11. TEXAS BOARD OF CHIROPRACTIC EXAMINERS

22 SECTION 11.01. Chapter 411, Government Code, is amended by  
23 adding Section 411.XXX to read as follows:

24 Sec. 411.XXX. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:  
25 TEXAS BOARD OF CHIROPRACTIC EXAMINERS. (a) The Texas Board of  
26 Chiropractic Examiners are entitled to obtain from the department  
27 criminal history record information maintained by the department

1 that relates to:

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

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

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

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

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

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

23 (f) In accordance with Section 411.087, the Texas Board of  
24 Chiropractic Examiners shall obtain criminal history record  
25 information from the Federal Bureau of Investigation  
26 identification division.

27 (g) Criminal history record information obtained by the

1 Federal Bureau of Investigation shall not be disseminated.

2 ARTICLE 12. TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY

3 SECTION 12.01. Section 411.105, Government Code, is amended  
4 to read as follows:

5 Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:

6 TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. (a) The Texas State Board  
7 of Public Accountancy is entitled to obtain from the department and  
8 the Federal Bureau of Investigation, pursuant to 901.169 of the  
9 Public Accountancy Act, Chapter 901 Occupations Code, criminal  
10 history record information maintained by the department and the  
11 Federal Bureau of Investigation that relates to a person who is:

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

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

17 (B) an applicant to be certified;

18 (C) an applicant to be licensed;

19 (D) an applicant to be reinstated;

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

21 (F) an applicant to become a non-CPA owner of a CPA  
22 firm; or

23 (G) a license holder or non-CPA owner of a CPA  
24 firm.

25 (b) Texas criminal history record information obtained by  
26 the board under Subsection (a) shall not be released or disclosed to  
27 any person except on court order, with the written consent of the

1 person that is the subject of the criminal history record  
2 information, or as provided by Subsection (d).

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

6 (d) The board is not prohibited from disclosing Texas  
7 criminal history record information obtained under Subsection (a)  
8 in a criminal proceeding or in a hearing conducted by or on behalf  
9 of the board.

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

12 ARTICLE 13. TEXAS OPTOMETRY BOARD

13 SECTION 13.01. 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 Optometry Board. (a) The Texas Optometry Board  
17 is entitled to obtain from the department criminal history record  
18 information maintained by the department that relates to:

19 (1) a person who is:

20 (A) an applicant for a license under Section  
21 351.251, Texas Occupations Code; or

22 (B) the holder of a license under Section  
23 351.302, Texas Occupations Code.

24 (b) Texas criminal history record information obtained by  
25 the Texas Optometry Board under Subsection (a) shall not be  
26 released or disclosed to any person except on court order, with the  
27 written consent of the person or entity that is the subject of the

1 criminal history record information, or as provided by Subsection  
2 (e).

3 (c) After a person is licensed, the Texas Optometry Board  
4 shall destroy the criminal history record information that relates  
5 to that person.

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

9 (e) The Texas Optometry Board 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 Optometry Board.

13 (g) In accordance with Section 411.087, Sec. 351.2525, Texas  
14 Occupations Code, and Sec. 351.3045, Texas Occupations Code, the  
15 Texas Optometry Board shall obtain criminal history record  
16 information from the Federal Bureau of Investigation  
17 identification division.

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

20 ARTICLE 14. EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL  
21 THERAPY EXAMINERS

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

24 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:  
25 EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY  
26 EXAMINERS.

27 (a) The Executive Council of Physical Therapy and

1 Occupational Therapy Examiners is entitled to obtain from the  
2 department criminal history record information maintained by the  
3 department that relates to a person who is:

4 (1) an applicant for or the holder of a physical  
5 therapist or physical therapist assistant license under Chapter  
6 453, Occupations Code; or

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

10 (b) Texas criminal history record information obtained  
11 by the Executive Council of Physical Therapy and Occupational  
12 Therapy Examiners under Subsection (a) may not be released or  
13 disclosed to any person except on court order, with the written  
14 consent of the person who is the subject of the criminal history  
15 record information, or as provided by Subsection (f).

16 (c) After a person is licensed, the Executive Council  
17 of Physical Therapy and Occupational Therapy Examiners shall  
18 destroy the criminal history record information that relates to  
19 that person.

20 (d) The Executive Council of Physical Therapy and  
21 Occupational Therapy Examiners shall destroy criminal history  
22 record information that relates to an applicant who is not  
23 licensed.

24 (e) After a license has been renewed or denied renewal,  
25 the Executive Council of Physical Therapy and Occupational Therapy  
26 Examiners shall destroy criminal history record information that  
27 relates to the license holder who is renewing or attempting to renew

1 the license.

2 (f) The Executive Council of Physical Therapy and  
3 Occupational Therapy Examiners is not prohibited from disclosing  
4 Texas criminal history record information obtained under  
5 Subsection (a) in a criminal proceeding or in a hearing conducted by  
6 the Executive Council of Physical Therapy and Occupational Therapy  
7 Examiners.

8 (g) In accordance with Section 411.087, the Executive  
9 Council of Physical Therapy and Occupational Therapy Examiners  
10 shall obtain criminal history record information from the Federal  
11 Bureau of Investigation identification division.

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

14 ARTICLE 15. HEALTH AND HUMAN SERVICES

15 SECTION 15.01. Section 411.110, Government Code, is amended  
16 to read as follows:

17 Sec. 411.110. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:  
18 DEPARTMENT OF STATE HEALTH SERVICES AND HEALTH AND HUMAN SERVICES  
19 COMMISSION. (a) The Department of State Health Services and the  
20 Health and Human Services Commission are entitled to obtain from  
21 the department criminal history record information maintained by  
22 the department that relates to a person who is required to be  
23 fingerprinted and:

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

25 (A) an applicant for a license or certificate  
26 under the Emergency Health Care Act (Chapter 773,  
27 Health and Safety Code);

1 (B) an owner or manager of an applicant for an  
2 emergency medical services provider license under  
3 that Act; or

4 (C) the holder of a license or certificate under  
5 that Act;

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

9 (3) is an applicant for employment at or current  
10 employee of:

11 (A) a public health hospital as defined by Section  
12 13.033, Health and Safety Code; or

13 (B) the South Texas Health Care System;

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

20 (5) is a person authorized to access vital records or  
21 the vital records electronic registration system under  
22 Chapter 191, Health and Safety Code, including an employee of  
23 or contractor for the Department of State Health Services, a  
24 local registrar, a medical professional, or a funeral  
25 director; or

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

1 (b) Texas ~~cr~~iminal history record information obtained by  
2 the Department of State Health Services or the Health and Human  
3 Services Commission under Subsection (a) may not be released or  
4 disclosed to any person except:

5 (1) on court order,

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

8 (3) by either the Department of State Health Services or  
9 the Health and Human Services Commission that is sharing with the  
10 other agency information obtained under this section for the  
11 purposes authorized by this section; or

12 (4) ~~or~~ as provided by Subsection (~~ec~~).

13 (c) After an entity is licensed or certified, the Department  
14 of State Health Services or the Health and Human Services  
15 Commission, as applicable, shall destroy the criminal history  
16 record information that relates to that entity. The Department of  
17 State Health Services or the Health and Human Services Commission,  
18 as applicable, shall destroy the criminal history record  
19 information that relates to:

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

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

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

1 Human Services Commission, as applicable, shall destroy criminal  
2 history record information that relates to an applicant who is not  
3 certified or employed, as applicable.

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

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

15 (g) In accordance with Section 411.087 and consistent with  
16 the public policy of this state, the Department of State Health  
17 Services and the Health and Human Services Commission may obtain  
18 criminal history record information from the Federal Bureau of  
19 Investigation identification division.

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

22 SECTION 15.02. Section 411.1103, Government Code, is amended  
23 to read as follows:

24 Sec. 411.1103 ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:  
25 ~~DEPARTMENT OF STATE HEALTH SERVICES AND HEALTH AND HUMAN SERVICES~~  
26 ~~COMMISSION AND PERSONNEL AT STATE HOSPITALS. (a) The Department of~~  
27 ~~State Health Services and the Health and Human Services Commission~~

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

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

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

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

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

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

17 (E) an applicant for a volunteer position with a  
18 state hospital established under Chapter 552, Health and Safety  
19 Code; and

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

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

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

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

6 ~~(b)(c)~~ The ~~Department of State Health Services or the~~ Health  
7 and Human Services Commission may not release or disclose to any  
8 entity, public or private, criminal history record information  
9 obtained under Subsection (b)(1). Texas ~~C~~riminal history record  
10 information obtained by the ~~Department of State Health Services or~~  
11 ~~the~~ Health and Human Services Commission under Subsection (b)(2)  
12 ~~this section~~ may not be released or disclosed to any person except:

13 (1) on court order;

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

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

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

21 ~~(c)~~ (d) The ~~Department of State Health Services or the~~ Health  
22 and Human Services Commission is not prohibited from releasing  
23 criminal history record information obtained under Subsection  
24 (d)(2) ~~this section~~ 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 the criminal history record information that relates to:

1           (1) an applicant for employment after that applicant is  
2 employed or, for an applicant who is not employed, after the check  
3 of the criminal history record information on that applicant is  
4 completed;

5           (2) an employee or contractor after the check of the  
6 criminal history record information on that employee or contractor  
7 is completed; or

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

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

14           SECTION 15.03. Section 411.1105, Government Code, is amended  
15 to read as follows:

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

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

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

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

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

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

11 (c) In addition to information obtained from the Federal  
12 Bureau of Investigation under Section 411.087 and consistent with  
13 the public policy of this state, the ~~Department of State Health~~  
14 ~~Services and the~~ Health and Human Services Commission ~~is~~  
15 entitled to obtain information relating to the wanted persons  
16 status of an individual listed in Subsection (a).

17 ~~(c)~~(d) Criminal history record information obtained by the Health  
18 and Human Services Commission under Subsection (b)(1) may not be  
19 released or disclosed to any other person or entity, public or  
20 private. Criminal history record information obtained by the  
21 ~~Department of State Health Services or the~~Health and Human Services  
22 Commission under Subsection (b)(2) ~~(a)~~ may not be released or  
23 disclosed to any person or entity, public or private, except+

24 (1) on court order~~++~~  
25 (2) with the consent of the person who is the subject of  
26 the criminal history record information~~++~~ or  
27 (3) as provided by Subsection (e)~~(d)~~.

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

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

9 (1) an applicant for a chemical dependency counselor's  
10 license, a counselor intern's registration, or a clinical  
11 supervisor certification under Chapter 504, Occupations Code,  
12 under Subsection (a) (1) after the check of the criminal history  
13 record information on that applicant is completed; or

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

17 (g) 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 15.04. Section 411.1106, Government Code, is amended  
21 to read as follows:

22 Sec. 411.1106. ACCESS TO CRIMINAL HISTORY RECORD  
23 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) In this  
24 section, "commission" means the Health and Human Services  
25 Commission.

26 (b) The executive commissioner of the commission, or the  
27 executive commissioner's designee, is entitled to obtain from the

1 department criminal history record information maintained by the  
2 department as provided by Subsection (c) that relates to a person  
3 who is required to be fingerprinted and who is:

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

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

11 (B) the commission's office of inspector general  
12 as established by Section 531.008(c)(2) and Subchapter C, Chapter  
13 531; or

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

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

19 (c) Subject to Section 411.087 and consistent with the public  
20 policy of this state, the commission is entitled to:

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

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

1       ~~(e)~~(d) Criminal history record information obtained by the  
2 commission under Subsection (c)(1) may not be released or disclosed  
3 to any other person or entity, public or private. Criminal history  
4 record information obtained by the executive commissioner of the  
5 commission, or by the executive commissioner's designee, under  
6 Subsection (c)(2) [(b)] may not be released or disclosed, except:

7           (1) if the information is in a public record at the time  
8 the information is obtained;

9           (2) on court order;

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

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

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

14       ~~(d)~~(e) The commission is not prohibited from disclosing  
15 criminal history record information obtained under Subsection  
16 ~~(b)(2)~~(c)(2) in a criminal proceeding or in a hearing conducted by  
17 the commission.

18       ~~(e)~~(f) The commission shall destroy all criminal history  
19 record information obtained under Subsection ~~(b)~~(c) as soon as  
20 practicable after the information is used for its authorized  
21 purpose.

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

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

27       Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD

1 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health  
2 and Human Services Commission is entitled to obtain from the  
3 department as provided by Subsection (b) criminal history record  
4 information maintained by the department that relates to a person  
5 who is required to be fingerprinted and who is an applicant for a  
6 staff position at an outdoor training program for children who are  
7 deaf or hard of hearing conducted by a private entity through a  
8 contract with the Health and Human Services Commission in  
9 accordance with Section 81.013, Human Resources Code.

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

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

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

27 (d) [(c)] The Health and Human Services Commission may

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

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

12 SECTION 15.06. Section 411.114, Government Code, is amended  
13 to read as follows:

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

17 (A) "Child," "child-care facility," "child-placing  
18 agency," "facility," and "family home" have the meanings assigned  
19 by Section 42.002, Human Resources Code.

20 (A-1) "Department of Family and Protective Services"  
21 includes:

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

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

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

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

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

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

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

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

16 (D) an applicant selected for a position with the  
17 Department of Family and Protective Services or the Health and  
18 Human Services Commission, the duties of which include direct  
19 delivery of protective services to children, elderly persons, or  
20 persons with a disability;

21 (E) an employee of, an applicant for employment  
22 with, or a volunteer or an applicant volunteer with a business  
23 entity or person that contracts with the Department of Family and  
24 Protective Services or the Health and Human Services Commission to  
25 provide direct delivery of protective services to children, elderly  
26 persons, or persons with a disability, if the person's duties or  
27 responsibilities include direct contact with children, elderly

1 persons, or persons with a disability;

2 (F) a registered volunteer with the Department of  
3 Family and Protective Services or the Health and Human Services  
4 Commission;

5 (G) a person providing or applying to provide  
6 in-home, adoptive, or foster care for children in the care of the  
7 Department of Family and Protective Services or the Health and  
8 Human Services Commission and other persons living in the residence  
9 in which the child will reside;

10 (H) a Department of Family and Protective Services  
11 employee or a Health and Human Services Commission employee who is  
12 engaged in the direct delivery of protective services to children,  
13 elderly persons, or persons with a disability;

14 (I) an alleged perpetrator in a report the  
15 Department of Family and Protective Services or the Health and  
16 Human Services Commission receives alleging that the person has  
17 abused, neglected, or exploited a child, an elderly person, or a  
18 person with a disability, provided that:

19 (i) the report alleges the person has engaged  
20 in conduct that meets the applicable definition of abuse, neglect,  
21 or exploitation under Chapter 261, Family Code, or Chapter 48,  
22 Human Resources Code; and

23 (ii) the person is not also the victim of the  
24 alleged conduct;

25 (J) a person providing child care for a child who  
26 is in the care of the Department of Family and Protective Services  
27 or the Health and Human Services Commission and who is or will be

1 receiving adoptive, foster, or in-home care;

2 (K) through a contract with a nonprofit management  
3 center, an employee of, an applicant for employment with, or a  
4 volunteer or an applicant volunteer with a nonprofit, tax-exempt  
5 organization that provides any service that involves the care of or  
6 access to a child, an elderly person, or a person with a disability;  
7 or

8 (L) an applicant for a child-care administrator or  
9 child-placing agency administrator license under Chapter 43, Human  
10 Resources Code.

11 (3) In addition to the criminal history record  
12 information the Department of Family and Protective Services or the  
13 Health and Human Services Commission is required to obtain under  
14 Subdivision (2), the Department of Family and Protective Services  
15 or the Health and Human Services Commission, as applicable, 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:

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

23 (B) a Department of Family and Protective Services  
24 employee or a Health and Human Services Commission employee  
25 regardless of the duties of the employee's position, including an  
26 employee described by Subdivision (2)(H);

27 (C) a volunteer or applicant volunteer with the

1 Department of Family and Protective Services or the Health and  
2 Human Services Commission regardless of the duties to be performed,  
3 including a registered volunteer;

4 (D) an employee of, an applicant for employment  
5 with, or a volunteer or an applicant volunteer with an entity or  
6 person that contracts with the Department of Family and Protective  
7 Services or the Health and Human Services Commission, as  
8 applicable, and has access to confidential information in that  
9 department's or commission's records, if the employee, applicant,  
10 volunteer, or applicant volunteer has or will have access to that  
11 confidential information;

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

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

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

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

25 (I) a relative of a child in the care of the  
26 Department of Family and Protective Services or the Health and  
27 Human Services Commission, as applicable, to the extent necessary

1 to comply with Section 162.007, Family Code;

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

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

7 (L) an employee of or volunteer at, or an  
8 applicant for employment with or to be a volunteer at, an entity  
9 that provides supervised independent living services to a young  
10 adult receiving extended foster care services from the Department  
11 of Family and Protective Services or the Health and Human Services  
12 Commission, as applicable;

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

19 (N) a volunteer or applicant volunteer with a  
20 local affiliate in this state of Big Brothers Big Sisters of  
21 America;

22 (O) a volunteer or applicant volunteer with an  
23 organization that provides court-appointed volunteer advocates for  
24 abused or neglected children; or

25 (P) an employee, volunteer, or applicant  
26 volunteer of a children's advocacy center under Subchapter E,  
27 Chapter 264, Family Code, including a member of the governing board

1 of a center.

2 (4) Subject to Section 411.087 and consistent with the  
3 public policy of this state, the Department of Family and  
4 Protective Services and the Health and Human Services Commission  
5 are entitled to:

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

10 (B) obtain from any other criminal justice agency  
11 in this state criminal history record information maintained by  
12 that criminal justice agency that relates to a person described by  
13 Subdivision (2) or (3). Law enforcement entities shall expedite the  
14 furnishing of such information to Department of Family and  
15 Protective Services workers or Health and Human Services Commission  
16 workers, as applicable, to ensure prompt criminal background checks  
17 for the safety of alleged victims and Department of Family and  
18 Protective Services workers or Health and Human Services Commission  
19 workers, as applicable.

20 (5) The Department of Family and Protective Services or  
21 the Health and Human Services Commission may not use the authority  
22 granted under this section to harass an employee or volunteer. The  
23 commissioner of the Department of Family and Protective Services or  
24 the executive commissioner of the Health and Human Services  
25 Commission, as applicable, shall adopt rules to prevent the  
26 harassment of an employee or volunteer through the request and use  
27 of criminal records.

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

5                   (A) on court order;

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

8                   (C) for purposes of an administrative hearing held  
9 by the Department of Family and Protective Services or the Health  
10 and Human Services Commission, as applicable, concerning the person  
11 who is the subject of the criminal history record information;

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

13           (7) Subject to Subdivision (8), the Department of  
14 Family and Protective Services or the Health and Human Services  
15 Commission, as applicable, is not prohibited from releasing  
16 criminal history record information obtained under this subsection  
17 to:

18                   (A) the person who is the subject of the criminal  
19 history record information;

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

23                   (C) an adult who resides with an alleged victim of  
24 abuse, neglect, or exploitation of a child, elderly person, or  
25 person with a disability and who also resides with the alleged  
26 perpetrator of that abuse, neglect, or exploitation if:

27                           (i) the alleged perpetrator is the subject of

1 the criminal history record information; and

2 (ii) the Department of Family and Protective  
3 Services or the Health and Human Services Commission, as  
4 applicable, determines that the release of information to the adult  
5 is necessary to ensure the safety or welfare of the alleged victim  
6 or the adult; or

7 (D) an elderly person or a person with a  
8 disability who is an alleged victim of abuse, neglect, or  
9 exploitation and who resides with the alleged perpetrator of that  
10 abuse, neglect, or exploitation if:

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

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

17 (8) The Department of Family and Protective Services or  
18 the Health and Human Services Commission may only release to a  
19 person described by Subdivision (7)(B), (C), or (D) criminal  
20 history record information that that department or commission  
21 obtains from the Department of Public Safety's computerized  
22 criminal history system.

23 (b) The failure or refusal to provide a complete set of  
24 fingerprints or a complete name on request constitutes good cause  
25 for dismissal or refusal to hire, as applicable, with regard to a  
26 volunteer of or an employee or applicant for permanent or temporary  
27 employment with the Department of Family and Protective Services or

1 the Health and Human Services Commission, as applicable, or a  
2 facility, home, business, or other entity, if the volunteer  
3 position, employment, or potential employment involves direct  
4 interaction with or the opportunity to interact and associate with  
5 children.

6 (c) The Department of Family and Protective Services or the  
7 Health and Human Services Commission, as applicable, may charge an  
8 organization or person that requests criminal history record  
9 information under Subsection (a)(3) a fee in an amount necessary to  
10 cover the costs of obtaining the information on the organization's  
11 or person's behalf.

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

14 Sec. 411.1142. ACCESS TO CRIMINAL HISTORY RECORD: EARLY  
15 CHILDHOOD INTERVENTION PROGRAM WITHIN HEALTH AND HUMAN SERVICES  
16 COMMISSION. (a) The Early Childhood Intervention program within the  
17 Health and Human Services Commission, as established by Chapter [73](#),  
18 Human Resources Code, is entitled to obtain criminal history record  
19 information as provided by Subsection (b) [maintained by the  
20 Department of Public Safety, the Federal Bureau of Investigation  
21 identification division, or another law enforcement agency] that  
22 relates to an employee or an applicant for permanent, temporary, or  
23 consultative employment or for volunteer positions whose  
24 employment or potential employment or volunteer position with the  
25 program or a local provider involves the delivery of early  
26 childhood intervention services or involves direct interactions  
27 with or the opportunity to interact and associate with children.

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

4 (1) obtain through the Federal Bureau of Investigation  
5 criminal history record information maintained or indexed by that  
6 bureau that pertains to a person described by Subsection (a) and who  
7 is required to be fingerprinted; 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 (c) Criminal history record information obtained by the  
13 Health and Human Services Commission under Subsection (b)(1) may  
14 not be released or disclosed to any other person or entity, public  
15 or private. Criminal history record information obtained by the  
16 Health and Human Services Commission under Subsection (b)(2) [(a)]  
17 may not be released or disclosed to any person except:

18 (1) on court order; [,]

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

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

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

25 (e) [(d)] The Health and Human Services Commission may  
26 provide the applicant, employee, professional consultant, or  
27 volunteer with a copy of the person's criminal history record

1 information obtained from the Department of Public Safety[, Federal  
2 Bureau of Investigation identification division,] or another law  
3 enforcement agency.

4 (f) [(e)] The failure or refusal to provide a complete set of  
5 fingerprints or a complete name on request constitutes good cause  
6 for dismissal or refusal to hire, as applicable, with regard to  
7 program employees, professional consultants, and applicants for  
8 permanent, temporary, or consultative employment or for volunteer  
9 positions whose employment or potential employment or volunteer  
10 position with the Health and Human Services Commission or a local  
11 provider involves the delivery of early childhood intervention  
12 services or involves direct interactions with or the opportunity to  
13 interact and associate with children.

14 SECTION 15.08. Section 411.1143, Government Code is amended  
15 to read as follows:

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

26 (b) Subject to Section 411.087 and consistent with the public  
27 policy of this state, the Health and Human Services Commission and

1 the office of inspector general are entitled to:

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

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

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

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

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

19 (d) ([b]) Criminal history record information obtained by the  
20 Health and Human Services Commission or the office of inspector  
21 general under Subsection (b)(1) may not be released or disclosed to  
22 any other person or entity, public or private. Criminal history  
23 record information obtained by the Health and Human Services  
24 Commission or the office of inspector general commission or an  
25 agency under Subsection (b)(2) [(a)] may not be released or  
26 disclosed to any person except in a criminal proceeding, in an  
27 administrative proceeding, on court order, or with the consent of

1 the provider or applicant.

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

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

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

12 Sec. 411.1144 ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:  
13 HEALTH AND HUMAN SERVICES COMMISSION AND [AGENCIES WITH] EMPLOYEES,  
14 CONTRACTORS, OR VOLUNTEERS AT STATE SUPPORTED LIVING CENTERS. (a)  
15 The [Department of State Health Services and the] Health and Human  
16 Services Commission is [are] entitled to obtain from the department  
17 as provided by Subsection (b) criminal history record information  
18 maintained by the department that relates to a person:

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

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

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

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

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

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

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

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

9 (b) [(d)] Subject to Section 411.087 and consistent with the  
10 public policy of this state, the [Department of State Health  
11 Services and the] Health and Human Services Commission is [are]  
12 entitled to:

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

16 (2) obtain from any other criminal justice agency in  
17 this state criminal history record information maintained by

18 that criminal justice agency that relates to a person  
19 described by Subsection (a).

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

26 (1) on court order;

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

1 the criminal history record information;

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

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

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

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

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

20 SECTION 15.10. Sec. 411.115. ACCESS TO CRIMINAL HISTORY  
21 RECORD INFORMATION: DEPARTMENT OF STATE HEALTH SERVICES AND HEALTH  
22 AND HUMAN SERVICES COMMISSION; LOCAL AUTHORITIES; COMMUNITY  
23 CENTERS. (a) In this section, "local mental health authority,"  
24 "local intellectual and developmental disability authority," and  
25 "community center" have the meanings assigned by Section 531.002,  
26 Health and Safety Code.

27 (b) The Department of State Health Services, the Health and

1 Human Services Commission, a local mental health or intellectual  
2 and developmental disability authority, or a community center, as  
3 applicable, is entitled to obtain from the department as provided  
4 by Subsection (c) criminal history record information maintained by  
5 the department that relates to a person:

6 (1) who is:

7 (A) an applicant for employment with the  
8 Department of State Health Services, the Health and Human Services  
9 Commission, a local mental health or intellectual and developmental  
10 disability authority, or a community center;

11 (B) an employee of the Department of State Health  
12 Services, the Health and Human Services Commission, a local mental  
13 health or intellectual and developmental disability authority, or a  
14 community center;

15 (C) an applicant for employment with or an  
16 employee of a business or person that contracts with the Department  
17 of State Health Services, the Health and Human Services Commission,  
18 a local mental health or intellectual and

19 developmental disability authority, or a  
20 community center to provide residential services to patients with  
21 mental illness or clients with an intellectual or developmental  
22 disability who were furloughed or discharged from a Department of  
23 State Health Services facility, a Health and Human Services  
24 Commission facility, or a community center, as applicable;

25 (D) a volunteer with the Department of State Health  
26 Services, the Health and Human Services Commission, a local mental  
27 health or intellectual and developmental disability authority, or a

1 community center; or

2 (E) a volunteer applicant; and

3 (2) who would be placed in direct contact with patients  
4 with mental illness or clients with an intellectual or  
5 developmental disability.

6 (c) Subject to Section 411.087 and consistent with the public  
7 policy of this state, the Department of State Health Services, the  
8 Health and Human Services Commission, a local mental health or  
9 intellectual and developmental disability authority, or a  
10 community center, as applicable, 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 Subsection (b) and who is  
14 required to be fingerprinted; and

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

19 (d) Criminal history record information obtained by the  
20 Department of State Health Services, the Health and Human Services  
21 Commission, a local mental health or intellectual and  
22 developmental disability authority, or a community center, as  
23 applicable, under Subsection (c)(1) may not be released or  
24 disclosed to any other person or entity, public or private.  
25 Criminal history record information obtained by the Department of  
26 State Health Services, the Health and Human Services Commission, a  
27 local mental health or intellectual and developmental disability

1 authority, or a community center under Subsection (c)(2) [(b)] may  
2 not be released or disclosed to a person, other than the contractor  
3 that employs the person who is the subject of the criminal history  
4 record information, except on court order or with the consent of the  
5 person who is the subject of the criminal history record  
6 information.

7 (e) The Department of State Health Services, the Health and  
8 Human Services Commission, a local mental health or intellectual  
9 and developmental disability authority, or a community center, as  
10 applicable, shall collect and destroy criminal history record  
11 information that relates to a person immediately after making an  
12 employment decision or taking a personnel action relating to the  
13 person who is the subject of the criminal history record  
14 information.

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

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

22 Section 411.1161. ACCESS TO CRIMINAL HISTORY RECORD  
23 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND NURSE AIDE  
24 CERTIFICATION, MEDICATION AIDE PERMIT, AND NURSING FACILITY  
25 ADMINISTRATOR LICENSE. (a) The Health and Human Services Commission  
26 is entitled to obtain as provided by Subsection (d) criminal  
27 history record information that relates to a person who is required

1 to be fingerprinted and who is an initial or renewal applicant for:

2 (1) a nurse aide certification with inclusion in the  
3 nurse aide registry established under Chapter 250, Health and  
4 Safety Code;

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

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

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

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

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

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

25 (1) on court order;

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

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

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

5           (d) The Health and Human Services Commission is prohibited  
6 from releasing criminal history record information obtained under  
7 Subsection (b)(1) to the person who is the subject of the criminal  
8 history record information. The Health and Human Services  
9 Commission is not prohibited from releasing criminal history record  
10 information obtained under Subsection (b)(2) to the person who is  
11 the subject of the criminal history record information.

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

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

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

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

26           (2) who seeks unsupervised visits with a ward of the  
27 Health and Human Services Commission, including a relative of the

1 ward;

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

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

11 (b) Subject to Section [411.087](#) and consistent with the public  
12 policy of this state, the Health and Human Services Commission is  
13 entitled to:

14 (1) obtain through the Federal Bureau of Investigation  
15 criminal history record information maintained or indexed by that  
16 bureau that pertains to a person described by Subsection (a) and 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) [(b)] Criminal history record information obtained under  
23 Subsection (a) is for the exclusive use of the Health and Human  
24 Services Commission and is privileged and confidential.

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

1 or private. Criminal history record information obtained by the  
2 Health and Human Services Commission under Subsection (b)(2) [(a)]  
3 may not be released or disclosed to any person or agency except on  
4 court order or with the consent of the person who is the subject of  
5 the information. The Health and Human Services Commission may  
6 destroy the criminal history record information after the  
7 information is used for the purposes authorized by this section.

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

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

13 (g) [(f)] Notwithstanding Subsection (d) [(c)], the Health  
14 and Human Services Commission shall destroy information obtained  
15 under Subsection (a)(3) or (4) after the information is used for the  
16 purposes authorized by this section.

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

22 (b) A regulatory agency is entitled to obtain from the  
23 department as provided by Subsection (c) criminal history record  
24 information maintained by the department that relates to a person  
25 who is:

26 (1) an applicant for employment at or an employee  
27 of a facility other than a facility licensed under Chapter

1           142, Health and Safety Code; or

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

6           (c) Subject to Section 411.087 and consistent with the public  
7 policy of this state, a regulatory agency is entitled to:

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

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

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

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

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

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

26           (e) Subject to Section 411.087 and consistent with the public  
27 policy of this state, a facility or a private agency on behalf of a

1 ~~facility~~ is entitled to:

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

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

10          (f) [(c)] A facility may:

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

14           (2) authorize a private agency to obtain that information  
15 from the department.

16          (g) [(d)] A private agency obtaining criminal history record  
17 information on behalf of a facility under Subsection (c) shall  
18 forward the information received to the facility requesting the  
19 information.

20          (h) [(e)] Criminal history record information obtained by a  
21 facility or regulatory agency under Subsections (c)(1) and (e)(1)  
22 may not be released or disclosed to any other person or entity,  
23 public or private. Criminal history record information obtained by  
24 a facility, regulatory agency, or private agency on behalf of a  
25 facility under Subsections (c)(2) and (e)(2) [(b) or (b-1)] may not  
26 be released or disclosed to any person or agency except on court  
27 order or with the consent of the person who is the subject of the

1 information.

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

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

9 SECTION 15.14. To the extent of any conflict, this Act  
10 prevails over another Act of the 86th Legislature, Regular Session,  
11 2019, relating to nonsubstantive additions to and corrections in  
12 enacted codes.

13 ARTICLE 16. TEXAS BOARD OF NURSING

14 Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD  
15 INFORMATION: TEXAS BOARD OF NURSING. The Texas Board of Nursing is  
16 entitled to obtain from the department criminal history record  
17 information maintained by the department that relates to a person  
18 who:

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

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

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

27 (4) [(3)] is subject to investigation by the board in

1 connection with a complaint or formal charge against the person.

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

5 (1) as required under a court order;

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

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

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

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

15 (d) The Texas Board of Nursing is not prohibited from  
16 disclosing Texas criminal history record information obtained  
17 under Subsection (a) in a criminal proceeding, a contested case  
18 proceeding conducted by the State Office of Administrative  
19 Hearings, or as part of an appeal of a contested case proceeding.

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

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

26 Sec. 301.2511. CRIMINAL HISTORY RECORD INFORMATION FOR  
27 LICENSE APPLICANTS.

1 (a) An applicant for a vocational, registered, or advanced  
2 practice registered nurse license must submit to the board, in  
3 addition to satisfying the other requirements of this subchapter, a  
4 complete and legible set of fingerprints, on a form prescribed by  
5 the board, for the purpose of obtaining criminal history record  
6 information from the Department of Public Safety and the Federal  
7 Bureau of Investigation.

8 (b) The board may deny a license to an applicant who does not  
9 comply with the requirement of Subsection (a). Issuance of a  
10 license by the board is conditioned on the board obtaining the  
11 applicant's criminal history record information under this  
12 section.

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

23 ARTICLE 17. TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

24 Sec. [411.0995](#). ACCESS TO CRIMINAL HISTORY RECORD  
25 INFORMATION: ~~STATE~~ TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS.

26 (a) The ~~State~~ Texas Board of Veterinary Medical Examiners is  
27 entitled to obtain from the department criminal history record

1 information maintained by the department that relates to a person  
2 who is:

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

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

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

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

15 (b) Texas criminal history record information obtained by  
16 the ~~State~~Texas Board of Veterinary of Medical Examiners under  
17 Subsection (a) may not be released or disclosed to any person except  
18 on court order, with the written consent of the person or entity  
19 that is the subject of the criminal history record information, or  
20 as provided by Subsection (e).

21 (c) After an individual is licensed or certified, the Texas  
22 Board of Veterinary Medical Examiners, shall destroy the criminal  
23 history record information that relates to that individual. The  
24 Texas Board of Veterinary Medical Examiners shall destroy the  
25 criminal history record information that relates to:

26 (d) The Texas Board of Veterinary Medical Examiners shall  
27 destroy criminal history record information that relates to an

1 applicant who is not certified or employed, as applicable.

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

7 (g) In accordance with Section 411.087 the Texas Board of  
8 Veterinary Medical Examiners may obtain criminal history record  
9 information from the Federal Bureau of Investigation  
10 identification division.

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

13 ARTICLE 18. TEXAS DEPARTMENT OF INSURANCE

14 SECTION 18.01. Section 411.106, Government Code, is amended  
15 to read as follows:

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

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

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

27 (b) Texas ~~c~~riminal history record information obtained by

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

5 (c) After the Texas Department of Insurance makes a  
6 determination as to the issuance of a license or certificate of  
7 authority to an applicant or as otherwise authorized by statute,  
8 the Texas Department of Insurance shall destroy [seal] the criminal  
9 history record information in its possession regarding the  
10 applicant ~~and shall deliver the information to the commissioner of~~  
11 ~~insurance or the commissioner's designee, who shall maintain the~~  
12 ~~information as provided by State Board of Insurance rule.~~

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

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

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

23 SECTION 17.02. Section 411.107, Government Code, is amended  
24 to read as follows:

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

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

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

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

9 (c) Texas criminal history record information obtained  
10 by a receiver under Subsection (b) may not be released or disclosed  
11 to any person except on court order or with the written consent of  
12 the person who is the subject of the criminal history record  
13 information.

14 (d) A receiver ~~shall~~may destroy criminal history  
15 record information obtained by the receiver under Subsection (b)  
16 before termination of the receivership and the receiver's discharge  
17 [~~after the purpose for which the information was obtained is~~  
18 ~~accomplished~~].

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

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

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

26 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:  
27 STATE FIRE MARSHAL. (a) The state fire marshal is entitled to obtain

1 from the department criminal history record information maintained  
2 by the department that relates to a person who is an applicant for a  
3 license or other authorization issued by the state fire marshal to  
4 engage in an activity regulated under the Insurance Code or the  
5 Occupations Code.

6 (b) Texas criminal history record information obtained by  
7 the state fire marshal under Subsection (a) may not be disclosed or  
8 released to any person except on court order, with the written  
9 consent of the person who is the subject of the criminal history  
10 record information, or as provided by Subsection(d).

11 (c) After the state fire marshal makes a determination as to  
12 the issuance of a license or other authorization to an applicant as  
13 provided by statute, the state fire marshal shall destroy the  
14 criminal history record information in its possession regarding the  
15 applicant.

16 (d) The state fire marshal is not prohibited from disclosing  
17 criminal history record information obtained under Subsection (a)  
18 in a criminal proceeding or in a hearing conducted by the state fire  
19 marshal.

20 (e) In accordance with Section [411.087](#), the state fire  
21 marshal may obtain criminal history record information from the  
22 Federal Bureau of Investigation identification division.

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

26 ARTICLE 19. TEXAS FUNERAL SERVICE COMMISSION

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

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

5 (1) a person who is:

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

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

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

12 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:

13 TEXAS FUNERAL SERVICE COMMISSION. (a) Texas Funeral Service  
14 Commission is entitled to obtain from the department criminal  
15 history record information maintained by the department that  
16 relates to:

17 (1) a person who is:

18 (A) an applicant for a license or certificate  
19 under the Occupations Code, Subtitle L. Crematory Services, Funeral  
20 Directing, And Embalming (Chapter 651, Crematory Services, Funeral  
21 Directing, And Embalming);

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

24 (2) an applicant for a license or a license holder  
25 under Subchapter D, Subchapter F, Subchapter G, Subchapter H,  
26 Subchapter I, Subchapter J, Subchapter K, and Subchapter N, Chapter  
27 651, Occupations Code;

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

3                   (A) the Texas Funeral Service Commission

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

7           (b) Criminal history record information obtained by the  
8 Texas Funeral Service Commission under Subsection (a) may not be  
9 released or disclosed to any person except on court order, with the  
10 written consent of the person or entity that is the subject of the  
11 criminal history record information, or as provided by Subsection  
12 (e).

13           (c) After an entity is licensed or certified, the Texas  
14 Funeral Service Commission shall destroy the criminal history  
15 record information that relates to that entity. The Texas Funeral  
16 Service Commission shall destroy the criminal history record  
17 information that relates to:

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

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

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

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

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

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

16       (h) After an entity is licensed or certified, the Texas  
17 Funeral Service Commission, shall destroy the criminal history  
18 record information that relates to that entity. The Texas Funeral  
19 Service Commission shall destroy the criminal history record  
20 information that relates to:

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

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



- 1           (2) may not be released to any person except:
- 2                   (A) the person who is the subject of the
- 3 information;
- 4                   (B) the Texas Education Agency;
- 5                   (C) a local or regional educational entity as
- 6 provided by Section [411.097](#); or
- 7                   (D) by court order;
- 8           (3) is not subject to disclosure as provided by Chapter
- 9 [552](#); and
- 10           (4) shall be destroyed by the board after the
- 11 information is used for the authorized purposes.
- 12           (c) The department shall notify the State Board for Educator
- 13 Certification of the arrest of any educator, as defined by Section
- 14 [5.001](#), Education Code, who has fingerprints on file with the
- 15 department. Any record of the notification and any information
- 16 contained in the notification is not subject to disclosure as
- 17 provided by Chapter [552](#).
- 18           (d) The State Board for Educator Certification is not
- 19 prohibited from disclosing Texas criminal history record
- 20 information obtained under Subsection (a) in a criminal proceeding
- 21 or in a hearing conducted by the Texas Education Agency or State
- 22 Board for Educator Certification.
- 23           (e) In accordance with Section [411.087](#) the State Board for
- 24 Educator Certification shall obtain criminal history record
- 25 information from the Federal Bureau of Investigation
- 26 identification division.
- 27           (f) Criminal history record information obtained by the

1 Federal Bureau of Investigation shall not be disseminated.

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

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

8           (2~~[1]~~) is employed or is an applicant for employment by  
9 a school district or open-enrollment charter school;

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

13           (4 ~~[2]~~) is employed or is an applicant for employment  
14 by a shared services arrangement, if the employee's or applicant's  
15 duties are or will be performed on school property or at another  
16 location where students are regularly present; or

17           (5 ~~[3]~~) is employed or is an applicant for employment  
18 by an entity that contracts or subcontracts with a school district,  
19 open-enrollment charter school, or shared services arrangement, if  
20 the applicant or employee has or will have continuing duties  
21 related to the contracted or subcontracted services, and has or  
22 will have direct contact with students; or ~~if~~

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

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

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

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

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

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

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

13 (B) the State Board for Educator Certification;

14 (C) a local or regional educational entity as  
15 provided by Section [411.097](#); or

16 (D) by court order;

17 (3) is not subject to disclosure as provided by Chapter  
18 [552](#); and

19 (4) shall be destroyed by the agency after the  
20 information is used for the authorized purposes.

21 (c) The Texas Education Agency is not prohibited from  
22 disclosing Texas criminal history record information obtained  
23 under Subsection (a) in a criminal proceeding or in a hearing  
24 conducted by the Texas Education Agency or State Board for Educator  
25 Certification.

26 (d) In accordance with Section [411.087](#), the Texas Education  
27 Agency shall obtain criminal history record information from the

1 Federal Bureau of Investigation identification division.

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

4 Sec. 411.097. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:  
5 LOCAL AND REGIONAL EDUCATIONAL ENTITIES. (a) A school district,  
6 charter school, private school, regional education service center,  
7 commercial transportation company, or education shared services  
8 arrangement is entitled to obtain from the department criminal  
9 history record information maintained by the department that the  
10 district, school, service center, shared services arrangement, or  
11 entity is required or authorized to obtain under Subchapter C,  
12 Chapter 22, Education Code, that relates to a person who is:

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

15 (2) an employee of or an applicant for employment with  
16 a public or commercial transportation company that contracts with  
17 the district, school, service center, or shared services  
18 arrangement to provide transportation services if the employee  
19 drives or the applicant will drive a bus in which students are  
20 transported or is employed or is seeking employment as a bus monitor  
21 or bus aide on a bus in which students are transported; or

22 (3) an employee of or applicant for employment by an  
23 entity that contracts to provide services to a school district,  
24 charter school, or shared services arrangement as provided by  
25 Section 22.0834 ~~or 22.08341~~, Education Code; ~~or~~

26 (4) an employee of or applicant for employment by a  
27 subcontractor of an entity that contracts to provide services to a

1 school district, charter school, or shared services arrangement as  
2 provided by Section 22.0834 or 22.08341, Education Code; or

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

6 (b) A school district, charter school, private school,  
7 regional education service center, or education shared services  
8 arrangement is entitled to obtain from the department criminal  
9 history record information maintained by the department that the  
10 district, school, service center, or shared services arrangement is  
11 required or authorized to obtain under Subchapter C, Chapter 22,  
12 Education Code, that relates to a person who is a volunteer, student  
13 teacher, or employee of the district, school, service center, or  
14 shared services arrangement.

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

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

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

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

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

27 (A) the individual who is the subject of the

1 information;

2 (B) the Texas Education Agency;

3 (C) the State Board for Educator Certification;

4 (D) the chief personnel officer of the  
5 transportation company, if the information is obtained under  
6 Subsection (a)(2); or

7 (E) by court order;

8 (2) is not subject to disclosure as provided by Chapter  
9 [552](#); and

10 (3) shall be destroyed by the school district, charter  
11 school, private school, service center, commercial transportation  
12 company, or shared services arrangement on the earlier of:

13 (A) the first anniversary of the date the  
14 information was originally obtained; or

15 (B) the date the information is used for the  
16 authorized purpose.

17 (e) If a regional education service center or  
18 commercial transportation company that receives criminal history  
19 record information from the department under this section requests  
20 the information by providing to the department a list, including  
21 the name, date of birth, and any other personal descriptive  
22 information required by the department for each person, through  
23 electronic means, magnetic tape, or disk, as specified by the  
24 department, the department may not charge the service center or  
25 commercial transportation company more than the lesser of:

26 (1) the department's cost for providing the  
27 information; or

1 (2) the amount prescribed by another law.

2 (f) An employee of a school district, charter school,  
3 private school, regional education service center, commercial  
4 transportation company, or education shared services arrangement  
5 or an entity that contracts to provide services to a school  
6 district, charter school, or shared services arrangement may  
7 request from the employer a copy of any criminal history record  
8 information relating to that employee that the employer has  
9 obtained as provided by Subchapter C, Chapter 22, Education Code.  
10 The employer may charge a fee to an employee requesting a copy of  
11 the information in an amount not to exceed the actual cost of  
12 copying the requested criminal history record information.

13 (g) A school district, charter school, private school,  
14 regional education service center, commercial transportation  
15 company, or education shared services arrangement is not prohibited  
16 from disclosing Texas criminal history record information obtained  
17 under Subsection (a) in a criminal proceeding or in a hearing  
18 conducted by the Texas Education Agency or State Board for Educator  
19 Certification.

20 (h) In accordance with Section 411.087 a school district,  
21 charter school, regional education service center, commercial  
22 transportation company, or education shared services arrangement  
23 shall obtain criminal history record information from the Federal  
24 Bureau of Investigation identification division.

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

27 411.XXXX ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:

1 QUALIFIED SCHOOL CONTRACTORS

2 (a) In this section:

3 (1) "Qualified school contractor" is an entity that

4 (A) contracts or subcontracts to provide services  
5 to a school district, charter school, or shared services  
6 arrangement; and

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

11 (b) ~~Texas~~ Criminal history record information obtained by a  
12 qualified school contractor in the original form or any subsequent  
13 form:

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

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

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

18 (2) is not subject to disclosure as provided by Chapter  
19 552; and

20 (3) shall be destroyed by qualified school contractor  
21 on the earlier of:

22 (A) the first anniversary of the date the  
23 information was originally obtained; or

24 (B) the date the information is used for the  
25 authorized purpose.

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

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

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

7           Sec. 411.1405.   ACCESS TO CRIMINAL HISTORY RECORD  
8 INFORMATION:   STATE AGENCIES;   INFORMATION TECHNOLOGY EMPLOYEES.

9       (a) In this section:

10           (1) "Information resources" and "information resources  
11 technologies" have the meanings assigned by Section 2054.003.

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

18       (b) To the extent consistent with Subsection (e), a state  
19 agency is entitled to obtain from the department the criminal  
20 history record information maintained by the department that  
21 relates to a person who:

22           (1) is an employee, applicant for employment,  
23 contractor, subcontractor, or intern or other volunteer with the  
24 state agency or with a contractor or subcontractor for the state  
25 agency; and

26           (2) has access to information resources or information  
27 resources technologies, other than a desktop computer or telephone

1 station assigned to that person.

2 (c) A state agency that obtains Texas criminal history  
3 record information under this section may not release or disclose  
4 the information or any documents or other records derived from the  
5 information except:

6 (1) by court order;

7 (2) with the consent of the person who is the subject of  
8 the information; or

9 (3) to the affected contractor or subcontractor,  
10 unless the information was obtained by the department from the  
11 Federal Bureau of Investigation.

12 (d) A state agency and the affected contractor or  
13 subcontractor shall destroy criminal history record information  
14 obtained under this section that relates to a person after the  
15 information is used to make an employment decision or to take a  
16 personnel action relating to the person who is the subject of the  
17 information.

18 (e) A state agency may not obtain criminal history record  
19 information under this section unless the state agency first adopts  
20 policies and procedures that provide that evidence of a criminal  
21 conviction or other relevant information obtained from the criminal  
22 history record information does not automatically disqualify an  
23 individual from employment. The attorney general shall review the  
24 policies and procedures for compliance with due process and other  
25 legal requirements before adoption by the state agency. The  
26 attorney general may charge the state agency a fee to cover the cost  
27 of the review. The policies and procedures adopted under this

1 subsection must provide that the hiring official will determine, on  
2 a case-by-case basis, whether the individual is qualified for  
3 employment based on factors that include:

- 4 (1) the specific duties of the position;
- 5 (2) the number of offenses committed by the individual;
- 6 (3) the nature and seriousness of each offense;
- 7 (4) the length of time between the offense and the  
8 employment decision;

9 (5) the efforts by the individual at rehabilitation;

10 and

11 (6) the accuracy of the information on the individual's  
12 employment application.

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

17 (g) A state agency is not prohibited from disclosing Texas  
18 criminal history record information obtained under Subsection (a)  
19 in a criminal proceeding.

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

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

25 Sec. 22.0834. CRIMINAL HISTORY RECORD INFORMATION REVIEW OF  
26 CERTAIN CONTRACT EMPLOYEES. (a) Except as provided by Subsection  
27 (a-1), this subsection applies to a person who is not an applicant

1 for or holder of a certificate under Subchapter B, Chapter 21, and  
2 who ~~on or after January 1, 2008,~~ is offered employment by an entity  
3 or a subcontractor of an entity that contracts with a school  
4 district, open-enrollment charter school, or shared services  
5 arrangement to provide services, if:

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

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

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

13 (1) the public work does not involve the  
14 construction, alteration, or repair of an instructional facility as  
15 defined in 46.001;

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

21 (3) for a public work that involves an  
22 existing instructional facility:

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

27 (B) the contracting entity adopts a

1 policy prohibiting employees, including subcontracting entity  
2 employees, from interacting with students or entering areas used by  
3 students, informs employees of the policy, and enforces the policy  
4 at the public work area.

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

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

17 (c) Before or immediately after employing or securing the  
18 services of a person to whom Subsection (a) applies, the ~~entity~~  
19 qualified school contractor or ~~contracting with a~~ school district,  
20 open-enrollment charter school, or shared services arrangement  
21 shall send or ensure that the person sends to the department  
22 information that is required by the department for obtaining  
23 national criminal history record information, which may include  
24 fingerprints and photographs. The department shall obtain the  
25 person's national criminal history record information and report  
26 the results through the criminal history clearinghouse as provided  
27 by Section [411.0845](#), Government Code.

1           (d) ~~An entity contracting with~~ A qualified school  
2 contractor or a school district, open-enrollment charter school, or  
3 shared services arrangement shall obtain all criminal history  
4 record information that relates to a person to whom Subsection (a)  
5 applies through the criminal history clearinghouse as provided by  
6 Section 411.0845, Government Code. ~~The entity shall certify to the~~  
7 ~~school district that the entity has received all criminal history~~  
8 ~~record information relating to a person to whom Subsection (a)~~  
9 ~~applies.~~

10           (d-1) A qualified school contractor contracting entity  
11 shall require that any of its subcontracting entities obtain all  
12 criminal history record information that relates to an employee to  
13 whom Subsection (a) applies if the subcontracting entity is also a  
14 qualified school contractor.

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

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

25           (f) In the event of an emergency, a school district may  
26 allow a person to whom Subsection (a) ~~or (g)~~ applies to enter school  
27 district property if the person is accompanied by a district

1 employee. A school district may adopt rules regarding an emergency  
2 situation under this subsection.

3 ~~(g) An entity that contracts with a school district,~~  
4 ~~open-enrollment charter school, or shared services arrangement to~~  
5 ~~provide services shall obtain from any law enforcement or criminal~~  
6 ~~justice agency or a private entity that is a consumer reporting~~  
7 ~~agency governed by the Fair Credit Reporting Act (15 U.S.C. Section~~  
8 ~~1681 et seq.), all criminal history record information that relates~~  
9 ~~to an employee of the entity who is employed before January 1, 2008,~~  
10 ~~and who is not subject to a national criminal history record~~  
11 ~~information review under Subsection (b) if:~~

12 ~~(1) the employee has continuing duties related to~~  
13 ~~the contracted services; and~~

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

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

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

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

26 ~~(k) The requirements of this section apply to an entity~~  
27 ~~that contracts directly with a school district, open-enrollment~~

1 ~~charter school, or shared services arrangement and any~~  
2 ~~subcontractor of the entity.~~

3           (1) ~~A contracting entity shall require that a~~  
4 ~~subcontracting entity obtain all criminal history record~~  
5 ~~information that relates to an employee to whom Subsection (a)~~  
6 ~~applies.~~ If a contracting or subcontracting entity determines that  
7 Subsection (a) does not apply to an employee, the contracting or  
8 subcontracting entity shall make a reasonable effort to ensure that  
9 the conditions or precautions that resulted in the determination  
10 that Subsection (a) did not apply to the employee continue to exist  
11 throughout the time that the contracted services are provided.

12           ~~(m) A contracting entity complies with the~~  
13 ~~requirements of this section if the contracting entity obtains a~~  
14 ~~written statement from each subcontracting entity certifying that~~  
15 ~~the subcontracting entity has obtained the required criminal~~  
16 ~~history record information for employees of the subcontracting~~  
17 ~~entity and the subcontracting entity has obtained certification~~  
18 ~~from each of the subcontracting entity's subcontractors.~~

19           ~~(n) A subcontracting entity must certify to the school~~  
20 ~~district, open-enrollment charter school, or shared services~~  
21 ~~arrangement and the contracting entity that the subcontracting~~  
22 ~~entity has obtained all criminal history record information that~~  
23 ~~relates to an employee to whom Subsection (a) applies and has~~  
24 ~~obtained similar written certifications from the subcontracting~~  
25 ~~entity's subcontractors.~~

26           (o) A school district, charter school, regional  
27 education service center, commercial transportation company, or

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

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

11 (p g) In this section:

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

17 (2) "Subcontracting entity" means an entity that  
18 contracts with another entity that is not a school district,  
19 open-enrollment charter school, or shared services arrangement to  
20 provide services to a school district, open-enrollment charter  
21 school, or shared services arrangement.

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

24 (4) "Public works contractor" means an entity that  
25 contracts directly or subcontracts with an entity that contracts  
26 with a school district, open-enrollment charter school, or shared  
27 services arrangement to provide services to the school district,

1 open-enrollment charter school, or shared services arrangement.

2 Sec. 22.08341 REPEALED

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

5 ~~(1) "Contracting entity" means an entity that~~  
6 ~~contracts directly with a school district, open-enrollment charter~~  
7 ~~school, or shared services arrangement to provide engineering,~~  
8 ~~architectural, or construction services to the district, school, or~~  
9 ~~arrangement.~~

10 ~~(2) "Instructional facility" has the meaning assigned~~  
11 ~~by Section 46.001.~~

12 ~~(3) "Subcontracting entity" means an entity that~~  
13 ~~contracts with another entity that is not a school district,~~  
14 ~~open-enrollment charter school, or shared services arrangement to~~  
15 ~~provide engineering, architectural, or construction services to a~~  
16 ~~school district, open-enrollment charter school, or shared~~  
17 ~~services arrangement.~~

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

23 ~~(1) continuing duties related to the contracted~~  
24 ~~services; and~~

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

27 ~~(c) For purposes of Subsection (b), a person does not have~~

1 ~~the opportunity for direct contact with students if:~~

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

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

9 ~~(3) for a public work that involves an existing~~  
10 ~~instructional facility:~~

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

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

19 ~~(d) A contracting entity or subcontracting entity may not~~  
20 ~~permit an employee to whom Subsection (b) applies to provide~~  
21 ~~services at an instructional facility if the employee, during the~~  
22 ~~preceding 30 years, was convicted of any of the following offenses~~  
23 ~~and the victim was under 18 years of age or was enrolled in a public~~  
24 ~~school:~~

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

26 ~~(2) an offense on conviction of which a defendant is~~  
27 ~~required to register as a sex offender under Chapter 62, Code of~~

1 ~~Criminal Procedure; or~~

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

5 ~~(c) For a person to whom Subsection (b) applies, the~~  
6 ~~contracting entity or subcontracting entity that employs the person~~  
7 ~~shall:~~

8 ~~(1) send or ensure that the person sends to the~~  
9 ~~department information that is required by the department for~~  
10 ~~obtaining national criminal history record information, which may~~  
11 ~~include fingerprints and photographs;~~

12 ~~(2) obtain all criminal history record information~~  
13 ~~that relates to the person through the criminal history~~  
14 ~~clearinghouse as provided by Section [411.0845](#), Government Code; and~~

15 ~~(3) certify to the school district, open-enrollment~~  
16 ~~charter school, shared services arrangement, or contracting~~  
17 ~~entity, as applicable, that the contracting entity or~~  
18 ~~subcontracting entity that employs the person has received all~~  
19 ~~criminal history record information relating to the person.~~

20 ~~(f) A contracting entity shall certify to the school~~  
21 ~~district, open-enrollment charter school, or shared services~~  
22 ~~arrangement, as applicable, that the contracting entity has~~  
23 ~~obtained written certifications from any subcontracting entity~~  
24 ~~that the subcontracting entity has complied with Subsection (c) as~~  
25 ~~it relates to the subcontracting entity's employees.~~

26 ~~(g) On receipt of information described by Subsection~~  
27 ~~(c)(1), the department shall obtain the person's national criminal~~

1 ~~history record information and report the results through the~~  
2 ~~criminal history clearinghouse as provided by Section 411.0845,~~  
3 ~~Government Code.~~

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

9 ~~(i) If a contracting entity or subcontracting entity~~  
10 ~~determines that Subsection (b) does not apply to an employee, the~~  
11 ~~contracting or subcontracting entity shall make a reasonable effort~~  
12 ~~to ensure that the conditions or precautions that resulted in the~~  
13 ~~determination that Subsection (b) does not apply to the employee~~  
14 ~~continue to exist throughout the time that the contracted services~~  
15 ~~are provided.~~

16 ~~(j) In the event of an emergency, a school district,~~  
17 ~~open-enrollment charter school, or shared services arrangement may~~  
18 ~~allow a person to whom Subsection (b) applies to enter an~~  
19 ~~instructional facility if the person is accompanied by an employee~~  
20 ~~of the district, school, or arrangement. A school district,~~  
21 ~~open-enrollment charter school, or shared services arrangement may~~  
22 ~~adopt a policy regarding an emergency for purposes of this~~  
23 ~~subsection.~~

24 ~~(k) The commissioner may adopt rules necessary to implement~~  
25 ~~this section.~~

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

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

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

12                   (2) a volunteer or person who has indicated, in  
13 writing, an intention to serve as a volunteer with the district,  
14 school, or shared services arrangement.

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

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

26           (d) A person to whom Subsection (a) applies may not perform  
27 any student teaching or volunteer duties until all requirements

1 under Subsections (a) and (c) have been satisfied.

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

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

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

11 (3) is volunteering for a single event on the school  
12 campus.

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

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

23 Sec. 22.085. EMPLOYEES AND APPLICANTS CONVICTED OF OR PLACED  
24 ON DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR CERTAIN  
25 OFFENSES. (a) A school district, open-enrollment charter school,  
26 or shared services arrangement shall discharge or refuse to hire an  
27 employee or applicant for employment if the district, school, or

1 shared services arrangement obtains information through a criminal  
2 history record information review that the employee or applicant  
3 has been:

4 (1) convicted of or placed on deferred adjudication  
5 community supervision for an offense for which a defendant is  
6 required to register as a sex offender under Chapter [62](#), Code of  
7 Criminal Procedure; or

8 (2) convicted of:

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

12 (B) an offense under the laws of another state or  
13 federal law that is equivalent to an offense under Subdivision (1)  
14 or Paragraph (A).

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

18 (1) the date of the offense is more than 30 years  
19 before:

20 (A) the effective date of S.B. No. 9, Acts of the  
21 80th Legislature, Regular Session, 2007, in the case of a person  
22 employed by a school district, open-enrollment charter school, or  
23 shared services arrangement as of that date; or

24 (B) the date the person's employment will begin,  
25 in the case of a person applying for employment with a school  
26 district, open-enrollment charter school, or shared services  
27 arrangement after the effective date of S.B. No. 9, Acts of the 80th

1 Legislature, Regular Session, 2007; and

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

4 (c) A school district, open-enrollment charter school, or  
5 shared services arrangement may not allow a person who is an  
6 employee of or applicant for employment by a qualified school  
7 contractor or an entity that contracts with the district, school,  
8 or shared services arrangement to serve at the district or school or  
9 for the shared services arrangement if the district, school, or  
10 shared services arrangement obtains information described by  
11 Subsection (a) through a criminal history record information review  
12 concerning the employee or applicant. A school district,  
13 open-enrollment charter school, or shared services arrangement  
14 must ensure that an entity that the district, school, or shared  
15 services arrangement contracts with for services has obtained all  
16 criminal history record information as required by Section [22.0834](#)  
17 ~~or [22.08341](#)~~.

18 (d) A school district, open-enrollment charter school,  
19 private school, regional education service center, or shared  
20 services arrangement may discharge an employee if the district or  
21 school obtains information of the employee's conviction of a felony  
22 or of a misdemeanor involving moral turpitude that the employee did  
23 not disclose to the State Board for Educator Certification or the  
24 district, school, service center, or shared services arrangement.  
25 An employee discharged under this section is considered to have  
26 been discharged for misconduct for purposes of Section [207.044](#),  
27 Labor Code.

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

6 (1) convicted of or placed on deferred adjudication  
7 community supervision for an offense described by Subsection  
8 (a)(1); or

9 (2) convicted of an offense described by Subsection  
10 (a)(2).

11 (f) Each school year, the superintendent of a school  
12 district or chief operating officer of an open-enrollment charter  
13 school shall certify to the commissioner that the district or  
14 school has complied with this section.

15 ARTICLE 21. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

16 SEC. 411.###. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:

17 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. (a) The Texas  
18 Commission on Environmental Quality is entitled to obtain from the  
19 Department criminal history record information maintained by the  
20 department that relates to:

21 (1) a person who:

22 (A) is an applicant for a license or registration  
23 under:

24 (i) Health and Safety Code Chapters 341, 361,  
25 and 366;

26 (ii) Occupations Code Chapter 1903; or

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

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

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

6 (b) Texas criminal history record information obtained by the  
7 Texas Commission on Environmental Quality under Subsection (a) may  
8 not be released or disclosed to any person except on court order,  
9 with the written consent of the person that is the subject of the  
10 criminal history record information, or as provided by Subsection  
11 (d).

12 (c) After completion of the criminal history review or  
13 proceeding for a person, for the purposes of a licensure or  
14 registration, the Texas Commission on Environmental Quality shall  
15 destroy the criminal history record information that relates to  
16 that person.

17 (d) The Texas Commission on Environmental Quality is not  
18 prohibited from disclosing criminal history record information  
19 obtained under Subsection (a) in a criminal proceeding or in an  
20 administrative proceeding conducted by:

21 (i) the Texas Commission on Environmental  
22 Quality; or

23 (ii) the State Office of Administrative  
24 Hearings.

25 (e) In accordance with Section [411.087](#), the Texas Commission  
26 on Environmental Quality may obtain criminal history record  
27 information from the Federal Bureau of Investigation

1 identification division.

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

4 ARTICLE 22. TEXAS RACING COMMISSION

5 SECTION 1. Section 411.096, Government Code, is amended to  
6 read as follows:

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

12 (1) a person who is:

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

15 (B) a controlling person, as defined in Chapter  
16 2025 of the Texas Occupations Code, of an entity described therein;

17 (C) an owner or manager of an applicant for any  
18 license promulgated under Chapter 2025 of the Texas Occupations  
19 Code license under (A); or

20 (D) the holder of a license or certificate under  
21 that Act; or

22 (2) a person who:

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

25 (B) has an interest described under Section  
26 Chapter 2025 of the Texas Occupations Code, in an entity described  
27 therein.

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

3                   (A) The Texas Racing Commissions defined by  
4 Texas Occupations Code 2022; or

5                   (B) employment within the Texas Racing  
6 industry.

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

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

17           (c) After an entity is licensed or certified, the Texas  
18 Racing Commission shall destroy the criminal history record  
19 information that relates to that entity. The Texas Racing  
20 Commission shall destroy the criminal history record information  
21 that relates to:

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

26                   (2) an employee or contractor after the check of the  
27 criminal history record information on that employee or contractor

1 is completed.

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

5 (e) The Texas Racing Commission is not prohibited from  
6 disclosing Texas criminal history record information obtained  
7 under Subsection (a) in a criminal proceeding or in a hearing  
8 conducted by the Texas Racing Commission or the State Office of  
9 Administrative Hearings, as applicable.

10 (f) In accordance with Section 411.087, the Texas Racing  
11 Commission shall obtain criminal history record information from  
12 the Federal Bureau of Investigation identification division.

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

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

17 Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED. (a) Except as  
18 provided by this section, a person, other than as a spectator or as  
19 a person placing a wager, may not participate in ~~racing with~~  
20 pari-mutuel racing activities or wagering without first obtaining a  
21 license from the commission. A person may not engage in any  
22 occupation for which commission rules require a license under this  
23 subtitle without first obtaining a license from the commission.

24 (b) The commission ~~by rule shall categorize the occupations~~  
25 ~~of racetrack employees and~~ determine the occupations that afford  
26 ~~the employee~~ an opportunity to influence racing with pari-mutuel  
27 wagering, including individuals who: ~~The rules must require an~~

1 ~~employee to be licensed under this subtitle if the employee.~~

2 (1) works in an occupation as an employee, contractor,  
3 or volunteer, determined by the commission to afford the individual  
4 ~~the employee~~ an opportunity to influence racing with pari-mutuel  
5 wagering;

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

8 (3) Notwithstanding section (b) above, the following  
9 individuals require a criminal history background check before an  
10 occupational license is issued: commissioners, racing commission  
11 employees, racing association employees, owners or employees of  
12 race horses.

13 ARTICLE 23. TEXAS STATE BOARD OF DENTAL EXAMINERS

14 Sec. 411.###. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:

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

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

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

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

27 (4) is an applicant for employment at or current

1 employee of the State Board of Dental Examiners.

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

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

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

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

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

21 ARTICLE 24. CONSUMER CREDIT COMMISSIONER

22 SECTION 24.01. Section 411.095, Government Code, is amended  
23 to read as follows:

24 Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:  
25 CONSUMER CREDIT COMMISSIONER. (a) The consumer credit  
26 commissioner is entitled to obtain from the department criminal  
27 history record information maintained by the department that

1 relates to a person who is:

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

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

9 (3) an employee of or volunteer with the Office of  
10 Consumer Credit Commissioner;

11 (4) ~~(3)~~ an applicant for employment with the Office  
12 of Consumer Credit Commissioner; or

13 (5) ~~(4)~~ a contractor or subcontractor of the Office  
14 of Consumer Credit Commissioner.

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

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

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

23 (1) ~~(A)~~ on court order;

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

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

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

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

7           (d) Criminal history record information obtained by the  
8 Federal Bureau of Investigation shall not be disseminated except to  
9 the person who is the subject of the criminal history record  
10 information.

11           SECTION 24.02. Section 14.151(a), Finance Code, is amended  
12 to read as follows:

13           (a) The commissioner or an assistant commissioner, examiner,  
14 or other employee of the office shall obtain criminal history  
15 record information maintained by the Department of Public Safety,  
16 the Federal Bureau of Investigation Identification Division, or  
17 another law enforcement agency relating to a person described by  
18 Section 411.095(a)(1) or (2) [~~411.095(a)(1)~~], Government Code.

19           ARTICLE 25. TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

20           SECTION 25.01. Section 411.109, Government Code, is amended  
21 by amending Subsection (d) and adding Subsections (f), (g), and (h)  
22 to read as follows:

23           (d) Texas Criminal history record information obtained by the  
24 comptroller under Subsections (a), (b), and (c) may not be released  
25 or disclosed to any person except on court order, with the written  
26 consent of the person or entity that is the subject of the criminal  
27 history record information, or as provided by Subsections

1 ~~[Subsection]~~ (e) or (f).

2 (f) The comptroller 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  
5 comptroller.

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

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

11 ARTICLE 26. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS:

12 MANUFACTURED HOUSING DIVISION

13 Tex. Occ. Code 1201.1031(f) the department is entitled to obtain  
14 criminal history record information maintained by the Department of  
15 Public Safety that relates to:

16 (1) a person who is:

17 (A) an applicant for a license under Chapter 1201  
18 of the Texas Occupations Code;

19 (B) an owner, officer, related person or manager  
20 of an applicant for manufacturer, retailer, broker, installer, or  
21 salesperson license under (A); or

22 (C) the holder of a license under that Act; or

23 (2) an applicant for a license or a license holder  
24 under Chapter 1201 of the Texas Occupations Code;

25 (g) Texas criminal history record information obtained by  
26 the Manufactured Housing Division 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 (e).

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

9 (i) The department shall destroy the criminal history record  
10 information that relates to an applicant for licensure after that  
11 applicant is licensed or, for an applicant who is not licensed,  
12 after the check of the criminal history record information on that  
13 applicant is completed;

14 (j) the department is not prohibited from disclosing criminal  
15 history record information obtained under Subsection (f) in a  
16 criminal proceeding or in a hearing conducted by the department.

17 (k) In accordance with Section [411.087](#) and Tex. Occ. Code §  
18 1201.1031, the department shall obtain criminal history record  
19 information from the Federal Bureau of Investigation  
20 identification division.

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

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

27 (1) a person who is:

1 (A) an applicant for a license under Chapter 1201  
2 of the Texas Occupations Code;

3 (B) an owner, officer, related person or manager  
4 of an applicant for manufacturer, retailer, broker, installer, or  
5 salesperson license under (A); or

6 (C) the holder of a license under that Act;

7 (2) an applicant for a license or a license holder under  
8 Chapter 1201 of the Texas Occupations Code;

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

15 (c) After an entity is licensed, the Manufactured Housing  
16 Division, shall destroy the criminal history record information  
17 that relates to that entity. The Manufactured Housing Division  
18 shall destroy the criminal history record information that relates  
19 to:

20 (1) an applicant for licensure after that applicant is  
21 licensed or, for an applicant who is not licensed, after the check  
22 of the criminal history record information on that applicant is  
23 completed; or

24 (2) a licensee after the check of the criminal history  
25 record information on that licensee is completed.

26 (d) The Manufactured Housing Division shall destroy criminal  
27 history record information that relates to an applicant who is not

1 licensed, as applicable.

2 (e) The Manufactured Housing Division is not prohibited from  
3 disclosing criminal history record information obtained under  
4 Subsection (a) in a criminal proceeding or in a hearing conducted by  
5 the Manufactured Housing Division.

6 (g) In accordance with Section 411.087 or Chapter 1201 of the  
7 Texas Occupations Code, the Manufactured Housing Division shall  
8 obtain criminal history record information from the Federal Bureau  
9 of Investigation identification division.

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

12 ARTICLE 27. TEXAS DEPARTMENT OF LICENSING AND REGULATION

13 SECTION 27.01. Section 411.093, Government Code, is amended  
14 to read as follows:

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

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

21 (A) a driver education instructor license under  
22 Chapter 1001, Education Code; [a license, certificate,  
23 ~~registration, title, or permit issued by the department]; [or]~~

24 (B) a license under Chapter 202, Occupations  
25 Code;

26 (C) a license under Chapter 401, Occupations  
27 Code;

1                    (D) a license under Chapter 402, Occupations  
2 Code;

3                    (2) a person who is: [~~the holder of a license,~~  
4 ~~certificate, registration, title, or permit issued by the~~  
5 ~~department]~~

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

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

10                    (3) a person who:

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

13                    (B) has an interest described under Section  
14 455.1525(e), Occupations Code, in an entity described in Paragraph  
15 (A).

16                    (b) Criminal history record information obtained by the  
17 Texas Department of Licensing and Regulation under Subsection (a)  
18 may not be released or disclosed to any person except on court  
19 order, with the written consent of the person or entity that is the  
20 subject of the criminal history record information, or as provided  
21 by Subsection (c).

22                    (c) The Texas Department of Licensing and Regulation is not  
23 prohibited from disclosing criminal history record information  
24 obtained under Subsection (a) in a criminal proceeding or in a  
25 hearing conducted by the Texas Department of Licensing and  
26 Regulation or the State Office of Administrative Hearings, as  
27 applicable.

1        (d) In accordance with Section 411.087, the Texas Department  
2 of Licensing and Regulation shall obtain criminal history record  
3 information from the Federal Bureau of Investigation  
4 identification division.

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

7        SECTION 2. Section 411.122(d), Government Code, as amended by  
8 Chapter 768 (H.B. 1501), Acts of the 86th Legislature, Regular  
9 Session, 2019, is amended to read as follows:

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

- 11            (1) Texas Appraiser Licensing and Certification Board;
- 12            (2) Texas Board of Architectural Examiners
- 13            (3) Texas Board of Chiropractic Examiners;
- 14            (4) State Board of Dental Examiners;
- 15            (5) Texas Board of Professional Engineers;
- 16            (6) Texas Funeral Service Commission;
- 17            (7) Texas Board of Professional Geoscientists;
- 18            (8) Health and Human Services Commission, except as  
19 provided by Section 411.110, and agencies attached to the  
20 commission;
- 21            (9) Texas Board of Professional Land Surveying;
- 22            (10) Texas Department of Licensing and Regulation[~~7~~  
23 ~~except as provided by Section 411.093~~];
- 24            (11) Texas Commission on Environmental Quality;
- 25            (12) Texas Board of 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 (17) Texas Behavioral Health Executive Council;
- 4 (18) Texas Real Estate Commission;
- 5 (19) Texas Department of Transportation;
- 6 (20) State Board of Veterinary Medical Examiners;
- 7 (21) Texas Department of Housing and Community Affairs;
- 8 (22) secretary of state;
- 9 (23) state fire marshal;
- 10 (24) Texas Education Agency;
- 11 (25) Department of Agriculture; and
- 12 (26) Texas Department of Motor Vehicles.

13 SECTION 3. Section [411.122\(d\)](#), Government Code, as amended by  
14 Chapter 1232 (H.B. 1523), Acts of the 86th Legislature, Regular  
15 Session, 2019, is amended to read as follows:

16 (d) The following state agencies are subject to this  
17 section:

- 18 (1) Texas Appraiser Licensing and Certification  
19 Board;
- 20 (2) Texas Board of Architectural Examiners;
- 21 (3) Texas Board of Chiropractic Examiners;
- 22 (4) State Board of Dental Examiners;
- 23 (5) Texas Board of Professional Engineers and Land  
24 Surveyors;
- 25 (6) Texas Funeral Service Commission;
- 26 (7) Texas Board of Professional Geoscientists;
- 27 (8) Health and Human Services Commission, except as

1 provided by Section 411.110, and agencies attached to the  
2 commission, including:

3 (A) Texas State Board of Examiners of Marriage and  
4 Family Therapists;

5 (B) Texas State Board of Examiners of Professional  
6 Counselors; and

7 (C) Texas State Board of Social Worker Examiners;

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

10 (10) Texas Commission on Environmental Quality;

11 (11) Texas Board of Occupational Therapy Examiners;

12 (12) Texas Optometry Board;

13 (13) Texas State Board of Pharmacy;

14 (14) Texas Board of Physical Therapy Examiners;

15 (15) Texas State Board of Plumbing Examiners;

16 (16) Texas State Board of Examiners of Psychologists;

17 (17) Texas Real Estate Commission;

18 (18) Texas Department of Transportation;

19 (19) State Board of Veterinary Medical Examiners;

20 (20) Texas Department of Housing and Community Affairs;

21 (21) secretary of state;

22 (22) state fire marshal;

23 (23) Texas Education Agency;

24 (24) Department of Agriculture; and

25 (25) Texas Department of Motor Vehicles.

26 SECTION 4. Section 411.122(d), Government Code, as amended by  
27 Chapter 684 (S.B. 2200), 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 section:

3 (1) Texas Appraiser Licensing and Certification Board;

4 (2) Texas Board of Architectural Examiners;

5 (3) Texas Board of Chiropractic Examiners;

6 (4) State Board of Dental Examiners;

7 (5) Texas Board of Professional Engineers;

8 (6) Texas Funeral Service Commission;

9 (7) Texas Board of Professional Geoscientists;

10 (8) Health and Human Services Commission and the  
11 Department of State Health Services, except as provided by Section  
12 [411.110](#), and agencies attached to that commission, including:

13 (A) Texas State Board of Examiners of Marriage and  
14 Family Therapists;

15 (B) Texas State Board of Examiners of Professional  
16 Counselors; and

17 (C) Texas State Board of Social Worker Examiners;

18 (9) Texas Board of Professional Land Surveying;

19 (10) Texas Department of Licensing and Regulation[  
20 ~~except as provided by Section [411.093](#)];~~

21 (11) Texas Commission on Environmental Quality;

22 (12) Texas Board of Occupational Therapy Examiners;

23 (13) Texas Optometry Board;

24 (14) Texas State Board of Pharmacy;

25 (15) Texas Board of Physical Therapy Examiners;

26 (16) Texas State Board of Plumbing Examiners;

27 (17) Texas State Board of Examiners of Psychologists;

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

10 ARTICLE 28. TEXAS LOTTERY COMMISSION

11 Sec. 411.108. ACCESS TO CRIMINAL HISTORY RECORD

12 INFORMATION: TEXAS LOTTERY COMMISSION. (a) The Texas Lottery  
13 Commission is entitled to obtain from the department criminal  
14 history record information maintained by the department that  
15 relates to a person who, under Chapter 466, is:

16 (1) a sales agent or an applicant for a sales agent  
17 license;

18 (2) a person required to be named in a license  
19 application;

20 (3) a lottery operator or prospective lottery 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 proposal  
2 to the commission in connection with the procurement of goods or  
3 services by the commission, if the amount of the bid or proposal  
4 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 than  
18 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 tickets;  
3 (10) the executive director or a prospective executive  
4 director of the commission;  
5 (11) an employee or prospective employee of the  
6 commission; or  
7 (12) a sales agent whose license is renewed under  
8 Section 466.158.

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

14 (b) Texas Criminal history record information obtained by the  
15 commission under Subsection (a) or (a-1) may not be released or  
16 disclosed to any person except on court order, with the written  
17 consent of the person or entity that is the subject of the criminal  
18 history record information, or as provided by Subsection (~~ee~~).

19 (c) After an entity is licensed or certified, the commission  
20 shall destroy the criminal history record information that relates  
21 to that entity. The commission shall destroy the criminal history  
22 record information that relates to:

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

27 (2) an employee or contractor after the check of the

1 criminal history record information on that employee or contractor  
2 is completed.

3 (d) The Texas Lottery Commission shall destroy criminal  
4 history record information that relates to an applicant who is not  
5 certified or employed, as applicable.

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

11 (g) In accordance with Government Code Sections [411.087](#),  
12 466.201, and 467.036(b), and Occupations Code Section 2001.3025,  
13 the Texas Lottery Commission shall obtain criminal history record  
14 information from the Federal Bureau of Investigation  
15 identification division.

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

18 ~~(c) The commission is not prohibited from disclosing to the~~  
19 ~~person who is the subject of the criminal history record~~  
20 ~~information the dates and places of arrests, offenses, and~~  
21 ~~dispositions contained in the criminal history record information.~~

22 ARTICLE 29. TEXAS MEDICAL BOARD

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

27 (1) a person who is:

- 1           (A) an applicant for or holder of a license to  
2 practice medicine;
- 3           (B) an applicant for or holder of a license to  
4 practice as a physician assistant;
- 5           (C) an applicant for or holder of a license to  
6 practice as an acupuncturist;
- 7           (D) an applicant for or holder of a certificate to  
8 practice as an acudetox specialist;
- 9           (E) an applicant for or holder of a license to  
10 practice as a surgical assistant;
- 11           (F) an applicant for or holder of a general  
12 certificate to perform radiologic procedures, limited certificate  
13 to perform radiologic procedures only on specific parts of the  
14 body, or radiologist assistant certificate;;
- 15           (G) an applicant for or holder of a placement on  
16 the registry of non-certified technicians;
- 17           (H) an employee of an applicant for a hardship  
18 exemption;
- 19           (I) an applicant for or holder of a license to  
20 practice as a medical physicist;
- 21           (J) an applicant for or holder of a license to  
22 practice as a perfusionist;
- 23           (K) an applicant for or holder of a license to  
24 practice as a respiratory care practitioner; and
- 25           (L) an applicant for or holder of a pain  
26 management clinic certificate.
- 27           (b) Texas criminal history record information obtained by the

1 Texas Medical Board under Subsection (a) may not be released or  
2 disclosed to any person, except as provided by subsection (c).

3 (c) The Texas Medical Board is not prohibited from disclosing  
4 criminal history record information obtained under Subsection (a)  
5 in a hearing conducted by the Medical Board or its advisory boards.

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

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

11 ARTICLE 30. JUDICIAL BRANCH CERTIFICATION COMMISSION

12 SECTION 30.01. Chapter 1104, Estates Code, is amended to  
13 read as follows:

14 Sec. 1104.402. COURT CLERK'S DUTY TO OBTAIN CRIMINAL HISTORY  
15 RECORD INFORMATION; AUTHORITY TO CHARGE FEE. (a) Except as  
16 provided by Section [~~1104.403~~] 1104.404, or 1104.406(a), the clerk  
17 of the county having venue of the proceeding for the appointment of  
18 a guardian shall obtain criminal history record information that is  
19 maintained by the Department of Public Safety or the Federal Bureau  
20 of Investigation identification division relating to:

- 21 (1) a private professional guardian;
- 22 (2) each person who represents or plans to represent  
23 the interests of a ward as a guardian on behalf of the private  
24 professional guardian;
- 25 (3) each person employed by a private professional  
26 guardian who will:

27 (A) have personal contact with a ward or proposed

1 ward;

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

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

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

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

13 (b) The clerk may charge a \$10 fee to recover the costs of  
14 obtaining criminal history record information under Subsection  
15 (a).

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

20 SECTION 30.02. Chapter 1104, Estates Code, is amended to read  
21 as follows:

22 Sec. 1104.404. EXCEPTION FOR INFORMATION CONCERNING CERTAIN  
23 PERSONS. (a) The clerk described by Section 1104.402 is not  
24 required to obtain criminal history record information from the  
25 Department of Public Safety for a person if the Judicial Branch  
26 Certification Commission conducted a criminal history check on the  
27 person under Section 155.203 and Section 155.207 [~~Chapter 155~~],

1 Government Code. However, the clerk shall obtain criminal history  
 2 record information from the Federal Bureau of Investigation  
 3 identification division relating to each person described in  
 4 Section 1104.402 regardless of whether the Judicial Branch  
 5 Certification Commission obtained information on such a person.

6 (b) The commission [~~board~~] shall provide to the clerk [~~at the~~  
 7 ~~court's request~~] the criminal history record information that was  
 8 obtained from the Department of Public Safety [~~or the Federal~~  
 9 ~~Bureau of Investigation~~]. The commission is prohibited from  
 10 disseminating criminal history record information that was  
 11 obtained from the Federal Bureau of Investigation pursuant to  
 12 Section 411.1408, Government Code, for purposes of determining  
 13 whether an applicant is ineligible for certification as a guardian.

14 SECTION 30.03. Chapter 1104, Estates Code, is amended to  
 15 read as follows:

16 Sec. 1104.405. INFORMATION FOR EXCLUSIVE USE OF COURT. (a)  
 17 Criminal history record information obtained or provided under  
 18 Section 1104.402, [~~1104.403,~~] or 1104.404 is privileged and  
 19 confidential and is for the exclusive use of the court. The  
 20 criminal history record information may not be released or  
 21 otherwise disclosed to any person or agency except on court order  
 22 [~~or consent of the person being investigated~~]. The court may use  
 23 the criminal history record information only in order to determine  
 24 whether to:

25 (1) appoint, remove, or continue the appointment of a  
 26 private professional guardian, a guardianship program, or the  
 27 Health and Human Services Commission; or

1           (2) appoint any other person proposed to serve as a  
2 guardian under Title 3, Estates Code, including a proposed  
3 temporary guardian and a proposed successor guardian, other than an  
4 attorney.

5           (b) The county clerk may destroy the criminal history record  
6 information after the information is used for the purposes  
7 authorized by this subchapter.

8           SECTION 30.04. Chapter 152, Government Code, is amended to  
9 read as follows:

10           Sec. 152.203. RULES ON INELIGIBILITY. The supreme court  
11 shall by order adopt rules on applicants' ineligibility for  
12 certification, registration, or licensing under this subtitle  
13 based on the applicant's~~person's~~ criminal history or other  
14 information that indicates the applicant~~person~~ lacks the  
15 honesty, trustworthiness, or integrity to hold the certification,  
16 registration, or license. The commission shall, in accordance with  
17 this Section and rules adopted by order of the supreme court, obtain  
18 criminal history record information that is maintained by the  
19 Department of Public Safety or the Federal Bureau of Investigation  
20 identification division on each applicant for certification,  
21 registration, or licensing under this subtitle to be used solely  
22 for the determination of each applicant's ineligibility pursuant to  
23 rules adopted by supreme court order under this Section. The  
24 commission may not use criminal history record information obtained  
25 from the Federal Bureau of Investigation identification division  
26 under ~~the~~ this Section for any other purpose. The commission may  
27 not transfer criminal history record information obtained from the

1 Federal Bureau of Investigation identification division under this  
2 Section to any other state agency, entity, or person, other than the  
3 person who is the subject of the criminal history record  
4 information. The commission shall dispose of criminal history  
5 record information immediately after each determination of  
6 ineligibility is made.

7 SECTION 30.05. Chapter 155, Government Code, is amended to  
8 read as follows:

9 Sec. 155.205. DUTY TO OBTAIN CRIMINAL HISTORY RECORD  
10 INFORMATION. (a) In accordance with the rules adopted by the  
11 supreme court under Section 155.203, the commission shall obtain-  
12 criminal history record information that is maintained by the  
13 Department of Public Safety. The clerk shall obtain criminal  
14 history record information from ~~[or]~~ the Federal Bureau of  
15 Investigation identification division relating to an individual  
16 seeking appointment as a guardian or temporary guardian in  
17 accordance with Subsection (b).

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

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

23 (2) ~~(B)~~ the proposed guardian is not a resident of  
24 this state. ~~[, or]~~

25 (c) ~~(2)~~ The commission shall obtain name-based criminal  
26 history record information of a proposed guardian, including  
27 any criminal history record information under the current

1 name and all former names of the proposed guardian, if:

2 (1)~~[(A)]~~ the liquid assets of the estate of a ward are  
3 \$50,000 or less; and

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

6 (d) Each proposed guardian described in Subsection (b) shall  
7 file with the commission proof of having submitted to a  
8 fingerprint-based criminal history search.

9 SECTION 30.06. Chapter 155, Government Code, is amended to  
10 read as follows:

11 Sec. 155.207. USE OF CRIMINAL HISTORY RECORD INFORMATION.

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

16 (b) A court may use Texas ~~[the]~~ criminal history record  
17 information obtained under this subchapter only in the same manner  
18 and only to the same extent a court is authorized to use the  
19 information under Section 1104.409, Estates Code.

20 SECTION 30.07. Chapter 411, Government Code, is amended to  
21 read as follows:

22 Sec. 411.1386. ACCESS TO CRIMINAL HISTORY RECORD  
23 INFORMATION: COURT CLERK; HEALTH AND HUMAN SERVICES COMMISSION;  
24 GUARDIANSHIPS. (a) Except as provided by Subsections (a-1)~~[-~~  
25 ~~(a-5)]~~ and (a-4) ~~[(a-6)]~~, the clerk of the county having venue over  
26 a proceeding for the appointment of a guardian under Title 3,  
27 Estates Code, shall in accordance with Section 411.087 obtain from

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

3 (1) a private professional guardian;

4 (2) each person who represents or plans to represent  
5 the interests of a ward as a guardian on behalf of the private  
6 professional guardian;

7 (3) each person employed by a private professional  
8 guardian who will:

9 (A) have personal contact with a ward or proposed  
10 ward;

11 (B) exercise control over and manage a ward's  
12 estate; or

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

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

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

21 (a-1) The Health and Human Services Commission shall obtain  
22 from the Department of Public Safety criminal history record  
23 information maintained by the Department of Public Safety that  
24 relates to each individual who is or will be providing guardianship  
25 services to a ward of or referred by the Health and Human Services  
26 Commission, including:

27 (1) an employee of or an applicant selected for an

1 employment position with the Health and Human Services Commission;

2 (2) a volunteer or an applicant selected to volunteer  
3 with the Health and Human Services Commission;

4 (3) an employee of or an applicant selected for an  
5 employment position with a business entity or other person that  
6 contracts with the Health and Human Services Commission to provide  
7 guardianship services to a ward referred by that commission;

8 (4) a volunteer or an applicant selected to volunteer  
9 with a business entity or person described by Subdivision (3); and

10 (5) a contractor or an employee of a contractor who  
11 provides services to a ward of the Health and Human Services  
12 Commission under a contract with the estate of the ward.

13 (a-2) The information in Subsection (a-1) regarding  
14 applicants for employment positions must be obtained before an  
15 offer of employment, and the information regarding applicant  
16 volunteers must be obtained before the person's contact with a ward  
17 of or referred by the Health and Human Services Commission.

18 (a-3) The information in Subsection (a-1) regarding  
19 employees, contractors, or volunteers providing guardianship  
20 services must be obtained annually.

21 (a-4) ~~[The Health and Human Services Commission shall~~  
22 ~~provide the information obtained under Subsection (a-1) to:~~

23 ~~(1) the clerk of the county having venue over the~~  
24 ~~guardianship proceeding at the request of the court; and~~

25 ~~(2) the guardianship certification program of the~~  
26 ~~Judicial Branch Certification Commission at the request of the~~  
27 ~~Judicial Branch Certification Commission.~~

1 ~~(a-5) Not later than the 10th day before the date of the~~  
2 ~~hearing to appoint a guardian, a person may submit to the clerk a~~  
3 ~~copy of the person's criminal history record information required~~  
4 ~~under Subsection (a)(5) that the person obtains from the department~~  
5 ~~not earlier than the 30th day before the date of the hearing.~~

6 ~~(a-6)]~~ The clerk described by Subsection (a) is not required  
7 to obtain criminal history record information from the Department  
8 of Public Safety for a person if the Judicial Branch Certification  
9 Commission conducted a criminal history check on the person under  
10 Section 155.203 and Section 155.207 [Chapter 155]. The commission  
11 shall provide to the clerk [~~at the court's request~~] the criminal  
12 history record information that was obtained from the department  
13 [~~or the Federal Bureau of Investigation~~]. The clerk shall in  
14 accordance with Section 411.087 obtain criminal history record  
15 information from the Federal Bureau of Investigation  
16 identification division relating to any person described by  
17 Subsection (a) regardless of whether the Judicial Branch  
18 Certification Commission obtains criminal history record  
19 information relating to such person.

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

24 (c) Criminal history record information obtained by or  
25 provided to a clerk under this section [~~under Subsection (a),~~  
26 ~~(a-5), or (a-6)] may not be released or disclosed to any person or  
27 agency ~~except on court order [or with the consent of the person who~~~~

1 ~~is the subject of the information]~~. The clerk may destroy the  
2 criminal history record information after the information is used  
3 for the purposes authorized by this section.

4 (d) ~~[The criminal history record information obtained under~~  
5 ~~Subsection (a-4) is for the exclusive use of the court or~~  
6 ~~guardianship certification program of the Judicial Branch~~  
7 ~~Certification Commission, as appropriate, and is privileged and~~  
8 ~~confidential. The information may not be released or otherwise~~  
9 ~~disclosed to any person or agency except on court order, with the~~  
10 ~~consent of the person being investigated, or as authorized by~~  
11 ~~Subsection (a-6) or Section 1104.404, Estates Code. The county~~  
12 ~~clerk or guardianship certification program of the Judicial Branch~~  
13 ~~Certification Commission may destroy the criminal history record~~  
14 ~~information after the information is used for the purposes~~  
15 ~~authorized by this section.~~

16 ~~(e)]~~ The court, as that term is defined by Section 1002.008,  
17 Estates Code, shall use the information obtained or provided under  
18 Subsection (a) or (a-4) ~~[,]~~ (a-4) ~~[(1), (a-5), or (a-6)]~~ only in  
19 determining whether to:

20 (1) appoint, remove, or continue the appointment of a  
21 private professional guardian, a guardianship program, or  
22 the Health and Human Services Commission; or

23 (2) appoint any other person proposed to serve as a  
24 guardian under Title 3, Estates Code, including a proposed  
25 temporary guardian and a proposed successor guardian, other  
26 than an attorney.

27 (e) ~~[(f) Criminal history record information obtained by the~~

1 ~~guardianship certification program of the Judicial Branch~~  
2 ~~Certification Commission under Subsection (a-4)(2) may be used for~~  
3 ~~any purpose related to the issuance, denial, renewal, suspension,~~  
4 ~~or revocation of a certificate issued by the commission.~~

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

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

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

16 ~~[(i) 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 30.08. Chapter [411](#), Government Code, is amended to  
20 read as follows:

21 Sec. [411.1408](#). ACCESS TO CRIMINAL HISTORY RECORD INFORMATION:  
22 JUDICIAL BRANCH CERTIFICATION COMMISSION. (a) In this section,  
23 "commission" means the Judicial Branch Certification Commission  
24 established under Chapter [152](#).

25 (b) In accordance with Section [411.087](#), the ~~[The]~~ commission  
26 is entitled to obtain from the department criminal history record  
27 information maintained by the department that relates to a person

1 who is an applicant for or the holder of a certificate,  
2 registration, or license issued by the commission or otherwise  
3 under Subtitle L, Title 2. The commission may not disseminate  
4 criminal history record information obtained from the Federal  
5 Bureau of Investigation.

6 (c) Criminal history record information obtained by the  
7 commission under Subsection (b):

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

12 (2) may not be released or disclosed to any person  
13 except:

14 (A) on court order; or

15 (B) [~~with the consent of the person who is the~~  
16 ~~subject of the information, or~~]

17 ~~(C)~~ as authorized by Section  
18 [411.1386\(a-4\)](#) [~~(a-6)~~] of this code or Section [1104.404](#),  
19 Estates Code, if applicable; and

20 (3) shall be destroyed by the commission after the  
21 information is used for the authorized purposes.

22 SECTION 30.09. Chapter [411](#), Government Code, is amended to  
23 read as follows:

24 Sec. 411.1409. ACCESS TO CRIMINAL HISTORY INFORMATION:  
25 APPELLATE COURTS. (a) In this section, "appellate court" means the  
26 Supreme Court of Texas, the Texas Court of Criminal Appeals, or a  
27 court of appeals.

1 (b) As authorized by Section 411.087, an~~an~~ appellate court  
2 is entitled to obtain from the department criminal history record  
3 information maintained by the department that relates to a person  
4 who is an applicant for:

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

8 (c) Criminal history record information obtained by the  
9 court under Subsection (b) may be used only to evaluate an  
10 applicant.

11 (d) The court may not release or disclose information  
12 obtained under Subsection (b) except on order of a district court  
13 ~~[or with the consent of the person who is the subject of the~~  
14 ~~criminal history record information]~~. Despite the issuance of an  
15 order by a district court, the court may not disseminate criminal  
16 history record information obtained from the Federal Bureau of  
17 Investigation.

18 (e) After the expiration of any probationary term of the  
19 person's employment, volunteer status, or appointment, the court  
20 shall destroy all criminal history record information obtained  
21 under Subsection (b).

22 SECTION 28.10. Sections 1104.403, 1104.407, 1104.408, and  
23 1104.410, Estates Code, are repealed.

24 ARTICLE 31. EFFECTIVE DATE

25 SECTION 28.01. Except as otherwise provided by this Act,  
26 this Act takes effect September 1, 2023.