

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Guillen

H.B. No. 4123

A BILL TO BE ENTITLED

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 employee to whom Subsection (a) applies.

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

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

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

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

1 are provided.

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

10 (p) In this section:

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

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

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

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

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

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

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

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

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

1 [~~or 22.08341~~].

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

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

10 (1) a private professional guardian;

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

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

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

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

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

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

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

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

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

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

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

24 (a) Criminal history record information obtained or  
25 provided under Section 1104.402 [~~7-1104.403,~~] or 1104.404 is  
26 privileged and confidential and is for the exclusive use of the  
27 court. The criminal history record information may not be released

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (c) The commission shall obtain[+ or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (B) to the Texas Education Agency;

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

13 (D) by court order; and

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

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

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

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

27 SECTION 15. Section 411.0901, Government Code, is amended

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

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

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

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

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

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

18 (B) direct contact with students;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (B) the State Board for Educator Certification;

27 (C) a local or regional educational entity as

1 provided by Section 411.097; or

2 (D) by court order; and

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

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

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

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

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

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

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

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

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

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

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

6                    (2) a person who is:

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

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

11                    (3) a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (1) a person who:

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

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

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

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

5                   (A) the Texas Racing Commission; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ~~earlier of:~~

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

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

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

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

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

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

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

4 (1) an applicant for:

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

7 (B) a veterinary technician license; or

8 (C) an equine dental provider license; or

9 (2) a holder of a license described by Subdivision

10 (1)(A), (B), or (C) [~~(1) an applicant for a license to practice~~  
11 ~~equine dentistry under Chapter 801, Occupations Code; or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

1 certificate under Chapter 901, Occupations Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (i) selling tickets; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1           (1) an applicant for a permit under any of those  
2 chapters;
- 3           (2) a permit holder under any of those chapters;
- 4           (3) an officer, director, stockholder owning 10  
5 percent or more of the outstanding stock, partner, owner, or  
6 managing employee of an applicant or permit holder under any of  
7 those chapters that is a corporation, association, joint venture,  
8 syndicate, partnership, or proprietorship;
- 9           (4) believed to have violated any of those chapters;
- 10          (5) being considered by the comptroller for employment  
11 as a peace officer; or
- 12          (6) receiving, scheduled to receive, or applying to  
13 receive compensation under Chapter 103, Civil Practice and Remedies  
14 Code.

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

- 22           (1) handling currency, checks, or other funds;
- 23           (2) having access to taxpayer account information;
- 24           (3) working in a location designated by the  
25 comptroller as a security-sensitive area; [~~or~~]
- 26           (4) performing financial management duties designated  
27 by the comptroller as security sensitive;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (B) the South Texas Health Care System;

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

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

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

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

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

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

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

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

7           (1) on court order;

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

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

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

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

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

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

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

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

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

19           (1) who is:

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

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

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

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

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

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

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

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

18 (1) on court order;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (1) if the information is in a public record at the  
6 time the information is obtained;

7 (2) on court order;

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

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

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

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

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

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

23 SECTION 30. Section 411.1131, Government Code, is amended  
24 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 disability;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (A) on court order;

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

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

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

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

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

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

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

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

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

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

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

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

27 (ii) the Department of Family and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 (1) who is:

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

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

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

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

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

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

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

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

26 (1) on court order;

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

1 of the criminal history record information;

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

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

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

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

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

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

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

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

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

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

13            (1) who is:

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

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

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

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

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

9 (E) a volunteer applicant; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7           (1) on court order;

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

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

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

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

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

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

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

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

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

5 (2) Texas Board of Architectural Examiners;

6 (3) Texas Board of Chiropractic Examiners;

7 (4) State Board of Dental Examiners;

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

10 (6) Texas Funeral Service Commission;

11 (7) Texas Board of Professional Geoscientists;

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

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

17 (10) Texas Commission on Environmental Quality;

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

20 (12) Texas Optometry Board;

21 (13) Texas State Board of Pharmacy;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (1) as required under a court order;

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

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

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

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

27 (e) Criminal history record information obtained by the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Chapter 201, Occupations Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (B) by court order; or

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

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

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

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

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

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

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

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

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

23                           (B) Chapter 1903, Occupations Code; or

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

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

27                   (3) requests a determination of eligibility for a

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

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

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

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

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

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

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

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

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

11           (1) a person who is:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Sec. 411.12508. ACCESS TO CRIMINAL HISTORY RECORD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Commission.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 SECTION 56. The heading to Section 411.1296, Government  
24 Code, is amended to read as follows:

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

1 TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD.

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

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

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

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

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

27 (c) The appraisal district may provide criminal history

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

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

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

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

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

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

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

6 (1) a private professional guardian;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (b-1)(2) in a criminal proceeding.

2 SECTION 61. Section 411.1408, Government Code, is amended  
3 by amending Subsections (b) and (c) and adding Subsections (b-1)  
4 and (d) to read as follows:

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

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

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

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

20 (c) The commission may not release or disclose to any person  
21 criminal history record information obtained from the Federal  
22 Bureau of Investigation under Subsection (b-1)(1). Criminal  
23 history record information obtained by the commission under  
24 Subsection (b-1)(2) [~~(b)~~]:

25 (1) may be used by the commission for any purpose  
26 related to the issuance, denial, suspension, revocation, or renewal  
27 of a certificate, registration, or license issued by the commission

1 or otherwise under Subtitle L, Title 2; and

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

4 (A) on court order; or

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

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

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

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

14 SECTION 62. Section 411.1409, Government Code, is amended  
15 by amending Subsections (b), (c), (d), and (e) and adding  
16 Subsection (b-1) to read as follows:

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

21 (1) employment with the court;

22 (2) a volunteer position with the court; or

23 (3) an appointment made by the court.

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

26 (1) obtain through the Federal Bureau of Investigation  
27 criminal history record information maintained or indexed by that

1 bureau that pertains to a person described by Subsection (b); and  
 2 (2) obtain from the department or any other criminal  
 3 justice agency in this state criminal history record information  
 4 maintained by the department or that criminal justice agency that  
 5 relates to a person described by Subsection (b).

6 (c) Criminal history record information obtained by the  
 7 court under this section [~~Subsection (b)~~] may be used only to  
 8 evaluate an applicant.

9 (d) The court may not release or disclose to any person  
 10 criminal history record information obtained from the Federal  
 11 Bureau of Investigation under Subsection (b-1)(1). The court may  
 12 not release or disclose information obtained under Subsection  
 13 (b-1)(2) [~~(b)~~] except on order of a district court [~~or with the~~  
 14 ~~consent of the person who is the subject of the criminal history~~  
 15 ~~record information~~].

16 (e) The [~~After the expiration of any probationary term of~~  
 17 ~~the person's employment, volunteer status, or appointment, the~~]  
 18 court shall destroy all criminal history record information  
 19 obtained under this section after the information is used for its  
 20 authorized purpose [~~Subsection (b)~~].

21 SECTION 63. Subchapter F, Chapter 411, Government Code, is  
 22 amended by adding Section 411.14101 to read as follows:

23 Sec. 411.14101. ACCESS TO CRIMINAL HISTORY RECORD  
 24 INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this  
 25 section, "office" means the State Office of Administrative  
 26 Hearings.

27 (b) The office is entitled to obtain criminal history record

1 information as provided by Subsection (c) that relates to a person  
2 who is:

3 (1) an employee of, or an applicant for employment  
4 with, the office; or

5 (2) a contractor, subcontractor, volunteer, or intern  
6 of the office, or an applicant to serve in one of those capacities.

7 (c) Subject to Section 411.087 and consistent with the  
8 public policy of this state, the office is entitled to:

9 (1) obtain through the Federal Bureau of Investigation  
10 criminal history record information maintained or indexed by that  
11 bureau that pertains to a person described by Subsection (b); and

12 (2) obtain from the department or any other criminal  
13 justice agency in this state criminal history record information  
14 maintained by the department or that criminal justice agency that  
15 relates to a person described by Subsection (b).

16 (d) The office may not release or disclose to any person  
17 criminal history record information obtained from the Federal  
18 Bureau of Investigation under Subsection (c)(1). Criminal history  
19 record information obtained by the office under Subsection (c)(2)  
20 may not be released or disclosed to any person except by court order  
21 or with the written consent of the person who is the subject of the  
22 criminal history record information.

23 (e) The office shall destroy criminal history record  
24 information that is obtained under this section after the  
25 information is used for its authorized purpose.

26 SECTION 64. Subchapter F, Chapter 411, Government Code, is  
27 amended by adding Section 411.14102 to read as follows:

1       Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD  
2 INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The  
3 Texas Board of Architectural Examiners is entitled to obtain  
4 criminal history record information as provided by Subsection (b)  
5 that relates to:

6           (1) a person who is:

7                   (A) an applicant for an architectural  
8 registration under Chapter 1051, Occupations Code; or

9                   (B) the holder of an architectural registration  
10 under that chapter;

11          (2) a person who is:

12                   (A) an applicant for a landscape architectural  
13 registration under Chapter 1052, Occupations Code; or

14                   (B) the holder of a landscape architectural  
15 registration under that chapter; or

16          (3) a person who is:

17                   (A) an applicant for an interior design  
18 registration under Chapter 1053, Occupations Code; or

19                   (B) the holder of an interior design registration  
20 under that chapter.

21       (b) Subject to Section 411.087 of this code and Section  
22 1051.3041, Occupations Code, and consistent with the public policy  
23 of this state, the Texas Board of Architectural Examiners is  
24 entitled to:

25           (1) obtain through the Federal Bureau of Investigation  
26 criminal history record information maintained or indexed by that  
27 bureau that pertains to a person described by Subsection (a); and

1           (2) obtain from the department or any other criminal  
2 justice agency in this state criminal history record information  
3 maintained by the department or that criminal justice agency that  
4 relates to a person described by Subsection (a).

5           (c) The Texas Board of Architectural Examiners may not  
6 release or disclose to any person criminal history record  
7 information obtained from the Federal Bureau of Investigation under  
8 Subsection (b)(1). Criminal history record information obtained by  
9 the Texas Board of Architectural Examiners under Subsection (b)(2)  
10 may not be released or disclosed to any person except on court order  
11 or as provided by Subsection (d).

12           (d) The Texas Board of Architectural Examiners is not  
13 prohibited from disclosing criminal history record information  
14 obtained under Subsection (b)(2) in a criminal proceeding or in a  
15 hearing conducted by the Texas Board of Architectural Examiners or  
16 the State Office of Administrative Hearings, as applicable.

17           (e) The Texas Board of Architectural Examiners shall  
18 destroy criminal history record information that is obtained under  
19 this section after the information is used for its authorized  
20 purpose.

21           SECTION 65. Section 301.2511, Occupations Code, is amended  
22 by amending Subsections (a) and (c) and adding Subsections (d) and  
23 (e) to read as follows:

24           (a) An applicant for a vocational, registered, or advance  
25 practice registered nurse license must submit to the board, in  
26 addition to satisfying the other requirements of this subchapter, a  
27 complete and legible set of fingerprints, on a form prescribed by

1 the board, for the purpose of obtaining criminal history record  
2 information from the Department of Public Safety and the Federal  
3 Bureau of Investigation.

4 (c) The board by rule shall develop a system for obtaining  
5 criminal history record information for a person accepted for  
6 enrollment in a nursing educational program that prepares the  
7 person for ~~[initial]~~ licensure as a vocational, registered, or  
8 advanced practice registered ~~[or vocational]~~ nurse by requiring the  
9 person to submit to the board a set of fingerprints that meets the  
10 requirements of Subsection (a). The board may develop a similar  
11 system for an applicant for enrollment in a nursing educational  
12 program. The board may require payment of a fee by a person who is  
13 required to submit a set of fingerprints under this subsection.

14 (d) The board may not release or disclose to any person  
15 criminal history record information obtained from the Federal  
16 Bureau of Investigation under Subsection (a).

17 (e) The board shall destroy criminal history record  
18 information that is obtained under this section after the  
19 information is used for its authorized purpose.

20 SECTION 66. Section 1101.002, Occupations Code, is amended  
21 by adding Subdivision (3-a) to read as follows:

22 (3-a) "Easement or right-of-way agent" means a person  
23 who sells, buys, leases, or transfers an easement or right-of-way  
24 for another, for compensation or with the expectation of receiving  
25 compensation, for use in connection with telecommunication,  
26 utility, railroad, or pipeline service.

27 SECTION 67. Section 1101.3521, Occupations Code, is amended

1 by adding Subsections (e) and (f) to read as follows:

2 (e) The commission may not release or disclose to any person  
3 criminal history record information obtained from the Federal  
4 Bureau of Investigation under Subsection (a).

5 (f) The commission shall destroy criminal history record  
6 information that is obtained under this section after the  
7 information is used for its authorized purpose.

8 SECTION 68. Section 1101.501, Occupations Code, is amended  
9 to read as follows:

10 Sec. 1101.501. CERTIFICATE REQUIRED. A person may not act  
11 as an easement or right-of-way agent [~~sell, buy, lease, or transfer~~  
12 ~~an easement or right-of-way for another, for compensation or with~~  
13 ~~the expectation of receiving compensation, for use in connection~~  
14 ~~with telecommunication, utility, railroad, or pipeline service]~~  
15 unless the person:

16 (1) holds a license issued under this chapter; or

17 (2) holds a certificate of registration issued under  
18 this subchapter.

19 SECTION 69. Section 1101.5041, Occupations Code, is amended  
20 to read as follows:

21 Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION  
22 REQUIREMENT FOR CERTIFICATE. An applicant for an original  
23 certificate of registration as an easement or right-of-way agent or  
24 renewal of a certificate of registration as an easement or  
25 right-of-way agent must comply with the criminal history record  
26 check requirements of Section 1101.3521.

27 SECTION 70. Section 1201.1031, Occupations Code, is amended

1 by adding Subsections (f), (g), (h), (i), and (j) to read as  
2 follows:

3 (f) The department is entitled to obtain criminal history  
4 record information as provided by Subsection (g) that relates to:

5 (1) an applicant for or holder of a license under this  
6 chapter; or

7 (2) an owner, officer, or related person or manager of  
8 a person described by Subdivision (1).

9 (g) Subject to Section 411.087 and consistent with the  
10 public policy of this state, the department is entitled to:

11 (1) obtain through the Federal Bureau of Investigation  
12 criminal history record information maintained or indexed by that  
13 bureau that pertains to a person described by Subsection (f); and

14 (2) obtain from the department or any other criminal  
15 justice agency in this state criminal history record information  
16 maintained by the department or that criminal justice agency that  
17 relates to a person described by Subsection (f).

18 (h) The department may not release or disclose to any person  
19 criminal history record information obtained from the Federal  
20 Bureau of Investigation under Subsection (g)(1). Criminal history  
21 record information obtained by the department under Subsection  
22 (g)(2) may not be released or disclosed to any person except on  
23 court order, with the written consent of the person who is the  
24 subject of the criminal history record information, or as provided  
25 by Subsection (i).

26 (i) The department is not prohibited from disclosing  
27 criminal history record information obtained under Subsection

1 (g)(2) in a criminal proceeding or in a hearing conducted by the  
2 department.

3 (j) The department shall destroy criminal history record  
4 information that is obtained under this section after the  
5 information is used for its authorized purpose.

6 SECTION 71. Section 2025.251, Occupations Code, is amended  
7 to read as follows:

8 Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED. (a) Except  
9 as provided by this section, a person, other than as a spectator or  
10 as a person placing a wager, may not participate in [~~racing with~~  
11 pari-mutuel racing activities or wagering without first obtaining a  
12 license from the commission. A person may not engage in any  
13 occupation for which commission rules require a license under this  
14 subtitle without first obtaining a license from the commission.

15 (b) The commission [~~by rule~~] shall [~~categorize the~~  
16 ~~occupations of racetrack employees and~~] determine the occupations  
17 that afford [~~the employee~~] an opportunity to influence racing with  
18 pari-mutuel wagering, including individuals who [~~. The rules must~~  
19 ~~require an employee to be licensed under this subtitle if the~~  
20 ~~employee~~]:

21 (1) work [~~works~~] in an occupation as an employee,  
22 contractor, or volunteer [~~determined by the commission~~] to afford  
23 the individual [~~employee~~] an opportunity to influence racing with  
24 pari-mutuel wagering; or

25 (2) will likely have significant access to the  
26 backside of a racetrack or to restricted areas of the frontside of a  
27 racetrack.

1        (c) Notwithstanding Subsection (b), the following  
2 individuals require a criminal history background check before an  
3 occupational license is issued: commissioners, regulatory  
4 employees and contractors hired by the commission, racetrack  
5 association employees, training facility employees, and employees  
6 of either a recognized horseman's organization or licensed  
7 racehorse owners.

8        SECTION 72. The following provisions are repealed:

- 9            (1) Sections 22.0834(g), (i), (k), (m), and (n),  
10 Education Code;
- 11            (2) Section 22.08341, Education Code;
- 12            (3) Sections 1104.403, 1104.407, 1104.408, and  
13 1104.410, Estates Code;
- 14            (4) Section 411.110(d), Government Code;
- 15            (5) Sections 411.1386(a-4), (a-5), (d), (f), and (i),  
16 Government Code; and
- 17            (6) Section 411.13861(f), Government Code.

18        SECTION 73. This Act takes effect immediately if it  
19 receives a vote of two-thirds of all the members elected to each  
20 house, as provided by Section 39, Article III, Texas Constitution.  
21 If this Act does not receive the vote necessary for immediate  
22 effect, this Act takes effect September 1, 2023.

By: Zaffirini

Substitute the following for H.B. No. 4123:

By: Zaffirini

H.B. No. 4123  
**ADOPTED**  
MAY 24 2023 S. H.B. No. 4123

*Lately Davis*  
Secretary of the Senate

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to access to and use of certain criminal history record  
3 information.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 22.0834, Education Code, is amended by  
6 amending Subsections (a), (a-1), (b), (c), (d), (e), (f), (h), (l),  
7 (o), and (p) and adding Subsections (b-1), (d-1), (d-2), and (q) to  
8 read as follows:

9 (a) Except as provided by Subsection (a-1), this subsection  
10 applies to a person who is not an applicant for or holder of a  
11 certificate under Subchapter B, Chapter 21, and who [~~on or after~~  
12 ~~January 1, 2008,~~] is offered employment by an entity or a  
13 subcontractor of an entity that contracts with a school district,  
14 open-enrollment charter school, or shared services arrangement to  
15 provide services, if:

16 (1) the employee or applicant has or will have  
17 continuing duties related to the contracted services; and

18 (2) the employee or applicant has or will have direct  
19 contact with students.

20 (a-1) This section does not apply to an employee or  
21 applicant of a public works contractor if:

22 (1) the public work does not involve the construction,  
23 alteration, or repair of an instructional facility as defined by  
24 Section 46.001;

1           (2) for public work that involves construction of a  
2 new instructional facility, the person's duties related to the  
3 contracted services will be completed not later than the seventh  
4 day before the first date the facility will be used for  
5 instructional purposes; or

6           (3) for a public work that involves an existing  
7 instructional facility:

8           (A) the public work area contains sanitary  
9 facilities and is separated from all areas used by students by a  
10 secure barrier fence that is not less than six feet in height; and

11           (B) the contracting entity adopts a policy  
12 prohibiting employees, including subcontracting entity employees,  
13 from interacting with students or entering areas used by students,  
14 informs employees of the policy, and enforces the policy at the  
15 public work area [a contracting entity, subcontracting entity, or  
16 other person subject to Section 22.08341].

17           (b) If the contracting entity is a qualified school  
18 contractor, a [A] person to whom Subsection (a) applies must submit  
19 to a national criminal history record information review by the  
20 qualified school contractor [under this section] before being  
21 employed or serving in a capacity described by that subsection.

22           (b-1) If the contracting entity or subcontracting entity is  
23 not a qualified school contractor, a person to whom Subsection (a)  
24 applies must submit to a national criminal history record  
25 information review by the school district, charter school, regional  
26 education service center, commercial transportation company, or  
27 education shared services arrangement.

1 (c) Before or immediately after employing or securing the  
2 services of a person to whom Subsection (a) applies, the qualified  
3 school contractor or [~~entity contracting with a~~] school district,  
4 open-enrollment charter school, or shared services arrangement  
5 shall send or ensure that the person sends to the department  
6 information that is required by the department for obtaining  
7 national criminal history record information, which may include  
8 fingerprints and photographs. The department shall obtain the  
9 person's national criminal history record information and report  
10 the results through the criminal history clearinghouse as provided  
11 by Section 411.0845, Government Code.

12 (d) A qualified school contractor or [~~An entity contracting~~  
13 ~~with~~] a school district, open-enrollment charter school, or shared  
14 services arrangement shall obtain all criminal history record  
15 information that relates to a person to whom Subsection (a) applies  
16 through the criminal history clearinghouse as provided by Section  
17 411.0845, Government Code. [~~The entity shall certify to the school~~  
18 ~~district that the entity has received all criminal history record~~  
19 ~~information relating to a person to whom Subsection (a) applies.~~]

20 (d-1) A qualified school contractor acting as a contracting  
21 entity shall require that any of its subcontracting entities obtain  
22 all criminal history record information that relates to an employee  
23 to whom Subsection (a) applies if the subcontracting entity is also  
24 a qualified school contractor.

25 (d-2) A qualified school contractor shall require that any  
26 of its subcontracting entities that are not qualified school  
27 contractors comply with Subsection (b-1) as it relates to an

1 employee to whom Subsection (a) applies.

2 (e) The requirements of Subsections (b), (d-1), and (d-2) do  
3 not apply to a qualified school contractor if a [A] school district,  
4 open-enrollment charter school, or shared services arrangement  
5 obtains [~~may obtain~~] the criminal history record information of a  
6 person to whom this section applies through the criminal history  
7 clearinghouse as provided by Section 411.0845, Government Code.

8 (f) In the event of an emergency, a school district may  
9 allow a person to whom Subsection (a) [~~or (g)~~] applies to enter  
10 school district property if the person is accompanied by a district  
11 employee. A school district may adopt rules regarding an emergency  
12 situation under this subsection.

13 (h) A school district, open-enrollment charter school, [~~or~~]  
14 shared services arrangement, or qualified school contractor may  
15 obtain from any law enforcement or criminal justice agency all  
16 criminal history record information that relates to a person to  
17 whom this section [~~Subsection (g)~~] applies.

18 (1) [~~A contracting entity shall require that a~~  
19 ~~subcontracting entity obtain all criminal history record~~  
20 ~~information that relates to an employee to whom Subsection (a)~~  
21 ~~applies.] If a contracting or subcontracting entity determines  
22 that Subsection (a) does not apply to an employee, the contracting  
23 or subcontracting entity shall make a reasonable effort to ensure  
24 that the conditions or precautions that resulted in the  
25 determination that Subsection (a) did not apply to the employee  
26 continue to exist throughout the time that the contracted services  
27 are provided.~~

1           (o) A school district, charter school, regional education  
2 service center, commercial transportation company, education  
3 shared services arrangement, or qualified school contractor,  
4 contracting entity, or subcontracting entity may not permit an  
5 employee to whom Subsection (a) applies to provide services at a  
6 school if the employee has been convicted of a felony or misdemeanor  
7 offense that would prevent a person from being employed under  
8 Section 22.085(a).

9           (p) In this section:

10           (1) "Contracting entity" means an entity that  
11 contracts directly with a school district, open-enrollment charter  
12 school, or shared services arrangement to provide services to the  
13 school district, open-enrollment charter school, or shared  
14 services arrangement.

15           (2) "Public works contractor" means an entity that  
16 contracts directly or subcontracts with an entity that contracts  
17 with a school district, open-enrollment charter school, or shared  
18 services arrangement to provide services to the school district,  
19 open-enrollment charter school, or shared services arrangement.

20           (3) "Qualified school contractor" has the meaning  
21 assigned by Section 411.12505, Government Code.

22           (4) "Subcontracting entity" means an entity that  
23 contracts with another entity that is not a school district,  
24 open-enrollment charter school, or shared services arrangement to  
25 provide services to a school district, open-enrollment charter  
26 school, or shared services arrangement.

27           (q) A qualified school contractor shall certify to the

1 school district, open-enrollment charter school, or shared  
2 services arrangement that the entity has received all criminal  
3 history record information relating to a person who is employed by  
4 or under a current offer of employment by the qualified school  
5 contractor.

6 SECTION 2. Section 22.0835(f), Education Code, is amended  
7 to read as follows:

8 (f) A school district, open-enrollment charter school, or  
9 shared services arrangement may obtain from the department or any  
10 law enforcement or criminal justice agency all criminal history  
11 record information that relates to a person to whom Subsection (e)  
12 applies.

13 SECTION 3. Section 22.085(c), Education Code, is amended to  
14 read as follows:

15 (c) A school district, open-enrollment charter school, or  
16 shared services arrangement may not allow a person who is an  
17 employee of or applicant for employment by a qualified school  
18 contractor or an entity that contracts with the district, school,  
19 or shared services arrangement to serve at the district or school or  
20 for the shared services arrangement if the district, school, or  
21 shared services arrangement obtains information described by  
22 Subsection (a) through a criminal history record information review  
23 concerning the employee or applicant. A school district,  
24 open-enrollment charter school, or shared services arrangement  
25 must ensure that an entity that the district, school, or shared  
26 services arrangement contracts with for services has obtained all  
27 criminal history record information as required by Section 22.0834

1 ~~[or 22.08341]~~.

2 SECTION 4. Section 1104.402(a), Estates Code, is amended to  
3 read as follows:

4 (a) Except as provided by Section ~~[1104.403]~~ 1104.404~~[,]~~  
5 or 1104.406(a), the clerk of the county having venue of the  
6 proceeding for the appointment of a guardian shall obtain criminal  
7 history record information that is maintained by the Department of  
8 Public Safety or the Federal Bureau of Investigation identification  
9 division relating to~~[~~

10 ~~[(1) a private professional guardian,~~

11 ~~[(2) each person who represents or plans to represent  
12 the interests of a ward as a guardian on behalf of the private  
13 professional guardian,~~

14 ~~[(3) each person employed by a private professional  
15 guardian who will,~~

16 ~~[(A) have personal contact with a ward or  
17 proposed ward,~~

18 ~~[(B) exercise control over and manage a ward's  
19 estate, or~~

20 ~~[(C) perform any duties with respect to the  
21 management of a ward's estate,~~

22 ~~[(4) each person employed by or volunteering or  
23 contracting with a guardianship program to provide guardianship  
24 services to a ward of the program on the program's behalf, or~~

25 ~~[(5)]~~ any ~~[other]~~ person proposed to serve as a  
26 guardian under this title, including a proposed temporary guardian,  
27 ~~[and]~~ a proposed successor guardian, or any person who will have

1 contact with the proposed ward or the proposed ward's estate on  
2 behalf of the proposed guardian, other than an attorney or a person  
3 who is a certified guardian.

4 SECTION 5. Section 1104.404, Estates Code, is amended to  
5 read as follows:

6 Sec. 1104.404. EXCEPTION FOR INFORMATION CONCERNING  
7 CERTAIN PERSONS. (a) The clerk described by Section 1104.402 is  
8 not required to obtain criminal history record information from the  
9 Department of Public Safety for a person if the Judicial Branch  
10 Certification Commission conducted a criminal history check on the  
11 person under Sections 155.203 and 155.207 [Chapter 155], Government  
12 Code. However, the clerk shall obtain criminal history record  
13 information from the Federal Bureau of Investigation  
14 identification division relating to each person described by  
15 Section 1104.402.

16 (b) The commission [board] shall provide to the clerk [~~at~~  
17 ~~the court's request~~] the criminal history record information that  
18 was obtained from the Department of Public Safety [~~or the Federal~~  
19 ~~Bureau of Investigation~~]. The commission is prohibited from  
20 disseminating criminal history record information that was  
21 obtained from the Federal Bureau of Investigation under Section  
22 411.1408, Government Code, for purposes of determining whether an  
23 applicant is ineligible for certification as a guardian.

24 SECTION 6. Section 1104.405(a), Estates Code, is amended to  
25 read as follows:

26 (a) Criminal history record information obtained or  
27 provided under Section 1104.402[~~, 1104.403,~~] or 1104.404 is

1 privileged and confidential and is for the exclusive use of the  
2 court. The criminal history record information may not be released  
3 or otherwise disclosed to any person or agency except on court order  
4 [~~or consent of the person being investigated~~]. The court may use  
5 the criminal history record information only to determine whether  
6 to:

7           (1) appoint, remove, or continue the appointment of a  
8 private professional guardian, a guardianship program, or the  
9 Health and Human Services Commission; or

10           (2) appoint any person proposed to serve as a guardian  
11 under this title, including a proposed temporary guardian, a  
12 proposed successor guardian, or any person who will have contact  
13 with the proposed ward or the proposed ward's estate on behalf of  
14 the proposed guardian, other than an attorney or a certified  
15 guardian.

16           SECTION 7. Section 14.151(a), Finance Code, is amended to  
17 read as follows:

18           (a) The commissioner or an assistant commissioner,  
19 examiner, or other employee of the office shall obtain criminal  
20 history record information maintained by the Department of Public  
21 Safety, the Federal Bureau of Investigation Identification  
22 Division, or another law enforcement agency relating to a person  
23 described by Section 411.095(a) [~~411.095(a)(1)~~], Government Code.

24           SECTION 8. Section 152.203, Government Code, is amended to  
25 read as follows:

26           Sec. 152.203. RULES ON INELIGIBILITY. The supreme court  
27 shall by order adopt rules on an applicant's [~~applicants~~]

1 ineligibility for certification, registration, or licensing under  
2 this subtitle based on the applicant's [~~person's~~] criminal history  
3 or other information that indicates the applicant [~~person~~] lacks  
4 the honesty, trustworthiness, or integrity to hold the  
5 certification, registration, or license. The commission shall, in  
6 accordance with this section and rules adopted by order of the  
7 United States Supreme Court, obtain criminal history record  
8 information that is maintained by the Department of Public Safety  
9 or the Federal Bureau of Investigation identification division on  
10 each applicant for certification, registration, or licensing under  
11 this subtitle to be used only for the determination of each  
12 applicant's ineligibility under rules adopted by United States  
13 Supreme Court order under this section. The commission may not use  
14 criminal history record information obtained from the Federal  
15 Bureau of Investigation identification division under this section  
16 for any other purpose. The commission may not transfer criminal  
17 history record information obtained from the Federal Bureau of  
18 Investigation identification division under this section to any  
19 other state agency, entity, or person. The commission shall  
20 destroy criminal history record information immediately after each  
21 determination of ineligibility is made.

22 SECTION 9. Section 155.205, Government Code, is amended to  
23 read as follows:

24 Sec. 155.205. DUTY TO OBTAIN CRIMINAL HISTORY RECORD  
25 INFORMATION. (a) In accordance with Subsection (c) and the rules  
26 adopted by the supreme court under Section 155.203, the commission  
27 shall obtain criminal history record information that is maintained

1 by the Department of Public Safety. The clerk shall obtain in  
2 accordance with Subsection (b) criminal history record information  
3 from ~~[or]~~ the Federal Bureau of Investigation identification  
4 division relating to an individual seeking appointment as a  
5 guardian or temporary guardian.

6 (b) The clerk ~~[commission]~~ shall obtain~~[+~~  
7 ~~[(1)]~~ fingerprint-based criminal history record  
8 information of a proposed guardian if:

9 (1) ~~[(A)]~~ the liquid assets of the estate of a ward  
10 exceed \$50,000; or

11 (2) ~~[(B)]~~ the proposed guardian is not a resident of  
12 this state.

13 (c) The commission shall obtain~~[+ or~~

14 ~~[(2)]~~ name-based criminal history record information  
15 of a proposed guardian, including any criminal history record  
16 information under the current name and all former names of the  
17 proposed guardian, if:

18 (1) ~~[(A)]~~ the liquid assets of the estate of a ward are  
19 \$50,000 or less; and

20 (2) ~~[(B)]~~ the proposed guardian is a resident of this  
21 state.

22 (d) Each proposed guardian described by Subsection (b)  
23 shall file with the commission proof of having submitted to a  
24 fingerprint-based criminal history search.

25 SECTION 10. Section 155.207(a), Government Code, is amended  
26 to read as follows:

27 (a) The commission shall use the criminal history record

1 information obtained under this subchapter only for a purpose  
2 authorized by this subchapter [~~or to maintain the registration of a~~  
3 ~~guardianship under Subchapter D~~].

4 SECTION 11. Section 411.082, Government Code, is amended by  
5 adding Subdivisions (1-a) and (1-b) to read as follows:

6 (1-a) "Applicant" means an individual who submits an  
7 application for employment, licensure, certification, or  
8 registration that requires the department to conduct a background  
9 check using criminal history record information.

10 (1-b) "Application" means an application submitted by  
11 hard copy or electronically for employment, licensure,  
12 certification, or registration that requires the department to  
13 conduct a background check using criminal history record  
14 information.

15 SECTION 12. Section 411.084, Government Code, is amended by  
16 amending Subsection (b) and adding Subsection (d) to read as  
17 follows:

18 (b) Notwithstanding Subsection (a) or any other provision  
19 in this subchapter relating to the release or disclosure of such  
20 information, criminal history record information obtained from the  
21 Federal Bureau of Investigation may be released or disclosed only  
22 to a governmental entity or as authorized by federal law and  
23 regulations, federal executive orders, and federal policy.

24 (d) Notwithstanding any other provision of this subchapter,  
25 a private entity that purchases information from the department is  
26 not required to provide proof of cyber-threat insurance coverage or  
27 post a performance bond if that entity:

1           (1) provides proof of an audit by a certified public  
2 accountant certifying that the requestor has implemented internal  
3 controls and security protocols that are consistent with the  
4 National Institute of Standards and Technology standards for  
5 cybersecurity and approved by the Department of Information  
6 Resources or an IT cybersecurity professional certified by the  
7 National Institute of Standards and Technology or a similar  
8 organization;

9           (2) provides proof of Payment Card Industry Data  
10 Security Standard (PCI DSS) certification or certification by a  
11 similar organization recognized by the Department of Information  
12 Resources; or

13           (3) provides proof of compliance with voluntary  
14 compliance standards for cybersecurity developed by a national  
15 organization of certified public accountants for the management of  
16 customer data, including SOC 1, SOC 2, or SOC.

17           SECTION 13. Section 411.0891, Government Code, is amended  
18 by amending Subsections (a), (b), and (d) and adding Subsections  
19 (a-1) and (e) to read as follows:

20           (a) The [Subject to Section 411.087, the] department may [is  
21 authorized to] obtain as provided by Subsection (a-1) [and use]  
22 criminal history record information [maintained by the Federal  
23 Bureau of Investigation or the department] that relates to a person  
24 who:

25           (1) is an applicant for or holds a registration issued  
26 by the director under Subchapter C, Chapter 481, Health and Safety  
27 Code, that authorizes the person to manufacture, distribute,

1 analyze, or conduct research with a controlled substance;

2 (2) is an applicant for or holds a registration issued  
3 by the department under Chapter 487, Health and Safety Code, to be a  
4 director, manager, or employee of a dispensing organization, as  
5 defined by Section 487.001, Health and Safety Code;

6 (3) is an applicant for or holds an authorization  
7 issued by the department under Section 521.2476, Transportation  
8 Code, to do business in this state as a vendor of ignition interlock  
9 devices;

10 (4) is an applicant for or holds certification by the  
11 department as an inspection station or an inspector under  
12 Subchapter G, Chapter 548, Transportation Code, holds an inspection  
13 station or inspector certificate issued under that subchapter, or  
14 is the owner of an inspection station operating under that chapter;  
15 [~~or~~]

16 (5) is an applicant for or holds a certificate of  
17 registration issued by the department under Chapter 1956,  
18 Occupations Code, to act as a metal recycling entity;

19 (6) is an applicant for or holds a license to carry a  
20 handgun issued by the department under Subchapter H, or is an  
21 applicant for or holds a certification as an instructor issued by  
22 the department under this chapter;

23 (7) is an applicant for or holds a Capitol access pass  
24 issued by the department under Section 411.0625; or

25 (8) is an applicant for or holds a license or  
26 commission issued by the department under Chapter 1702, Occupations  
27 Code.

1           (a-1) Subject to Section 411.087 and consistent with the  
2 public policy of this state, the department is entitled to:

3                   (1) obtain through the Federal Bureau of Investigation  
4 criminal history record information maintained or indexed by that  
5 bureau that pertains to a person described by Subsection (a); and

6                   (2) obtain from any other criminal justice agency in  
7 this state criminal history record information maintained by that  
8 criminal justice agency that relates to a person described by  
9 Subsection (a).

10           (b) The department may not release or disclose to any person  
11 criminal history record information obtained from the Federal  
12 Bureau of Investigation under Subsection (a-1)(1). The department  
13 may release or disclose criminal history record information  
14 obtained [~~or used~~] by the department under Subsection (a-1)(2) for  
15 a purpose described by Subsection (a) to another person or agency  
16 only:

- 17                   (1) in a criminal proceeding;
  - 18                   (2) in a hearing conducted by the department;
  - 19                   (3) under an order from a court; or
  - 20                   (4) with the consent of the person who is the subject
- 21 of the criminal history record information.

22           (d) The department may require any person for whom the  
23 department is authorized to obtain [~~and use~~] criminal history  
24 record information [~~maintained by the Federal Bureau of~~  
25 ~~Investigation or the department~~] under Subsections [~~Subsection~~]  
26 (a) and (a-1) to submit a complete and legible set of fingerprints  
27 to the department on a form prescribed by the department for the

1 purpose of obtaining criminal history record information.

2 (e) The department shall destroy criminal history record  
3 information that is obtained under this section after the  
4 information is used for its authorized purpose.

5 SECTION 14. Section 411.090, Government Code, is amended by  
6 amending Subsections (a) and (b) and adding Subsections (a-1), (d),  
7 and (e) to read as follows:

8 (a) The State Board for Educator Certification is entitled  
9 to obtain [~~from the department~~] any criminal history record  
10 information as provided by Subsection (a-1) [~~maintained by the~~  
11 department] about a person who has applied to the board for or who  
12 currently holds a certificate under Subchapter B, Chapter 21,  
13 Education Code.

14 (a-1) Subject to Section 411.087 and consistent with the  
15 public policy of this state, the State Board for Educator  
16 Certification is entitled to:

17 (1) obtain through the Federal Bureau of Investigation  
18 criminal history record information maintained or indexed by that  
19 bureau that pertains to a person described by Subsection (a); and

20 (2) obtain from the department or any other criminal  
21 justice agency in this state criminal history record information  
22 maintained by the department or that criminal justice agency that  
23 relates to a person described by Subsection (a).

24 (b) The State Board for Educator Certification may not  
25 release or disclose to any person criminal history record  
26 information obtained from the Federal Bureau of Investigation under  
27 Subsection (a-1)(1). Criminal history record information obtained

1 by the board under Subsection (a-1)(2) in the original form or any  
2 subsequent form:

3 (1) may be used only for a purpose related to the  
4 issuance, denial, reprimand, suspension, revocation, or  
5 cancellation of a certificate issued by the board;

6 (2) may not be released to any person except:

7 (A) to the person who is the subject of the  
8 information;

9 (B) to the Texas Education Agency;

10 (C) to a local or regional educational entity as  
11 provided by Section 411.097; or

12 (D) by court order; and

13 (3) is not subject to disclosure as provided by  
14 Chapter 552[~~, and~~

15 [~~(4) shall be destroyed by the board after the~~  
16 ~~information is used for the authorized purposes]~~.

17 (d) The State Board for Educator Certification is not  
18 prohibited from disclosing criminal history record information  
19 obtained under Subsection (a-1)(2) in a criminal proceeding or in a  
20 hearing conducted by the Texas Education Agency or the State Board  
21 for Educator Certification.

22 (e) The State Board for Educator Certification shall  
23 destroy criminal history record information that is obtained under  
24 this section after the information is used for its authorized  
25 purpose.

26 SECTION 15. Section 411.0901, Government Code, is amended  
27 by amending Subsections (a) and (b) and adding Subsections (a-1),

1 (c), and (d) to read as follows:

2 (a) The Texas Education Agency is entitled to obtain  
3 criminal history record information as provided by Subsection (a-1)  
4 ~~[maintained by the department]~~ about a person who:

5 (1) is employed or is an applicant for employment by a  
6 school district or open-enrollment charter school;

7 (2) is employed or is an applicant for employment by a  
8 shared services arrangement, if the employee's or applicant's  
9 duties are or will be performed on school property or at another  
10 location where students are regularly present; ~~[or]~~

11 (3) is employed or is an applicant for employment by an  
12 entity that contracts or subcontracts with a school district,  
13 open-enrollment charter school, or shared services arrangement, if  
14 the applicant or employee has or will have:

15 (A) continuing duties related to the contracted  
16 or subcontracted services; and

17 (B) direct contact with students;

18 (4) is employed or is an applicant for employment by  
19 the Texas Education Agency; or

20 (5) provides services as a tutor on behalf of a service  
21 provider that offers accelerated or supplemental instruction under  
22 Section 28.0211, Education Code, if the tutor has or will have  
23 continuing duties related to the services provided and has or will  
24 have direct contact with students ~~[if+]~~

25 ~~[(A) the employee or applicant has or will have~~  
26 ~~continuing duties relating to the contracted services; and~~

27 ~~[(B) the employee or applicant has or will have~~

1 ~~direct contact with students~~].

2 (a-1) Subject to Section 411.087 and consistent with the  
3 public policy of this state, the Texas Education Agency is entitled  
4 to:

5 (1) obtain through the Federal Bureau of Investigation  
6 criminal history record information maintained or indexed by that  
7 bureau that pertains to a person described by Subsection (a); and

8 (2) obtain from the department or any other criminal  
9 justice agency in this state criminal history record information  
10 maintained by the department or that criminal justice agency that  
11 relates to a person described by Subsection (a).

12 (b) The Texas Education Agency may not release or disclose  
13 to any person criminal history record information obtained from the  
14 Federal Bureau of Investigation under Subsection (a-1)(1).  
15 Criminal history record information obtained by the agency under  
16 Subsection (a-1)(2) in the original form or any subsequent form:

17 (1) may be used only for a purpose authorized by the  
18 Education Code;

19 (2) may not be released to any person except:

20 (A) the person who is the subject of the  
21 information;

22 (B) the State Board for Educator Certification;

23 (C) a local or regional educational entity as  
24 provided by Section 411.097; ~~[or]~~

25 (D) by court order; or

26 (E) as provided by Subsection (c); and

27 (3) is not subject to disclosure as provided by

1 Chapter 552 [~~and~~

2  ~~[(4) shall be destroyed by the agency after the~~  
3  ~~information is used for the authorized purposes].~~

4 (c) The Texas Education Agency is not prohibited from  
5 disclosing criminal history record information obtained under  
6 Subsection (a-1)(2) in a criminal proceeding or in a hearing  
7 conducted by the Texas Education Agency or the State Board for  
8 Educator Certification.

9 (d) The Texas Education Agency shall destroy criminal  
10 history record information that is obtained under this section  
11 after the information is used for its authorized purpose.

12 SECTION 16. Section 411.093, Government Code, is amended to  
13 read as follows:

14 Sec. 411.093. ACCESS TO CRIMINAL HISTORY RECORD  
15 INFORMATION: TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a)  
16 The Texas Department of Licensing and Regulation is entitled to  
17 obtain [~~from the department~~] criminal history record information as  
18 provided by Subsection (b) [maintained the department] that  
19 relates to [~~a person who is~~]:

20 (1) an applicant for or the holder of:

21 (A) a driver education instructor license under  
22 Chapter 1001, Education Code;

23 (B) a license under Chapter 202, Occupations  
24 Code;

25 (C) a license under Chapter 401, Occupations  
26 Code;

27 (D) a license under Chapter 402, Occupations Code

1 ~~[a license, certificate, registration, title, or permit issued by~~  
2 ~~the department]; or~~

3                    (E) an instructor license or motorcycle school  
4 license under Chapter 662, Transportation Code;

5                    (2) a person who is:

6                    (A) an applicant for or the holder of a license  
7 under Chapter 91, Labor Code; or

8                    (B) a controlling person, as defined by Chapter  
9 91, Labor Code, of an entity described by Paragraph (A); or

10                   (3) a person who:

11                   (A) is an applicant for or the holder of a license  
12 under Chapter 455, Occupations Code; or

13                   (B) has an interest described under Section  
14 455.1525(e), Occupations Code, in an entity described by Paragraph  
15 (A) [~~, certificate, registration, title, or permit issued by the~~  
16 department].

17                   (b) Subject to Section 411.087 and consistent with the  
18 public policy of this state, the Texas Department of Licensing and  
19 Regulation is entitled to:

20                   (1) obtain through the Federal Bureau of Investigation  
21 criminal history record information maintained or indexed by that  
22 bureau that pertains to a person described by Subsection (a); and

23                   (2) obtain from the department or any other criminal  
24 justice agency in this state criminal history record information  
25 maintained by the department or that criminal justice agency that  
26 relates to a person described by Subsection (a).

27                   (c) The Texas Department of Licensing and Regulation may not

1 release or disclose to any person criminal history record  
2 information obtained from the Federal Bureau of Investigation under  
3 Subsection (b)(1). Criminal history record information obtained by  
4 the Texas Department of Licensing and Regulation under Subsection  
5 (b)(2) may not be released or disclosed to any person except on  
6 court order, with the written consent of the person who is the  
7 subject of the criminal history record information, or as provided  
8 by Subsection (d).

9       (d) The Texas Department of Licensing and Regulation is not  
10 prohibited from disclosing criminal history record information  
11 obtained under Subsection (b)(2) in a criminal proceeding or in a  
12 hearing conducted by the Texas Department of Licensing and  
13 Regulation or the State Office of Administrative Hearings.

14       (e) The Texas Department of Licensing and Regulation shall  
15 destroy criminal history record information that is obtained under  
16 this section after the information is used for its authorized  
17 purpose.

18       SECTION 17. Section 411.095, Government Code, is amended to  
19 read as follows:

20       Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD  
21 INFORMATION: CONSUMER CREDIT COMMISSIONER. (a) The consumer  
22 credit commissioner is entitled to obtain [~~from the department~~]  
23 criminal history record information as provided by Subsection (a-1)  
24 that relates to a person who is:

25               (1) an applicant for or holder of a license or  
26 registration under Chapter 180, 342, 347, 348, 351, 353, 371, 393,  
27 or 394, Finance Code;

1 (2) an employee of or volunteer with the Office of  
2 Consumer Credit Commissioner;

3 (3) an applicant for employment with the Office of  
4 Consumer Credit Commissioner; ~~[or]~~

5 (4) a contractor or subcontractor of the Office of  
6 Consumer Credit Commissioner; or

7 (5) an officer, director, owner, or employee of a  
8 person described by Subdivision (1) or another person having a  
9 substantial relationship with that person under Chapter 180, 342,  
10 347, 348, 351, 353, 371, 393, or 394, Finance Code.

11 (a-1) Subject to Section 411.087 and consistent with the  
12 public policy of this state, the consumer credit commissioner is  
13 entitled to:

14 (1) obtain through the Federal Bureau of Investigation  
15 criminal history record information maintained or indexed by that  
16 bureau that pertains to a person described by Subsection (a); and

17 (2) obtain from the department or any other criminal  
18 justice agency in this state criminal history record information  
19 maintained by the department or that criminal justice agency that  
20 relates to a person described by Subsection (a).

21 (b) The consumer credit commissioner may not release or  
22 disclose to any person criminal history record information obtained  
23 from the Federal Bureau of Investigation under Subsection (a-1)(1).

24 The consumer credit commissioner may not release or disclose  
25 criminal history record information obtained under Subsection  
26 (a-1)(2) except ~~[this section unless]~~:

27 (1) ~~[the information is obtained from a~~

1 ~~fingerprint-based search; and~~

2 ~~(2) the information is released or disclosed;~~

3 ~~(A)~~ on court order;

4 (2) ~~(B)~~ to the person who is the subject of the  
5 criminal history record information; ~~or~~

6 (3) ~~(C)~~ with the consent of the person who is the  
7 subject of the criminal history record information; or

8 (4) in a hearing where the Office of Consumer Credit  
9 Commissioner is a party.

10 (c) The consumer credit commissioner shall destroy criminal  
11 history record information that is obtained under this section  
12 after the information is used for its authorized purpose.

13 SECTION 18. Section 411.096, Government Code, is amended to  
14 read as follows:

15 Sec. 411.096. ACCESS TO CRIMINAL HISTORY RECORD  
16 INFORMATION: TEXAS RACING COMMISSION. (a) The Texas Racing  
17 Commission is entitled to obtain as provided by Subsection (a-1)  
18 ~~[from the department]~~ criminal history record information  
19 ~~[maintained by the department]~~ that relates ~~[pertains]~~ to ~~[a person~~  
20 ~~who is]~~:

21 (1) a person who:

22 (A) is an applicant for or the holder of a license  
23 or certificate under Chapter 2025, Occupations Code;

24 (B) is an owner or manager of an applicant or  
25 license holder described by Paragraph (A); or

26 (C) has an interest described under Chapter 2025,  
27 Occupations Code, in an entity described by that chapter;

1           (2) an applicant for employment at or current employee  
2 of:  
3           (A) the Texas Racing Commission; or  
4           (B) a place of employment within the racing  
5 industry of this state; or  
6           (3) an applicant for employment at, current employee  
7 of, or person who contracts or may contract to provide goods or  
8 services with the Texas Racing Commission [~~appointed to the~~  
9 ~~commission,~~  
10           ~~[(2) an applicant for employment by the commission, or~~  
11           ~~[(3) an applicant for a license under Subtitle A-1,~~  
12 ~~Title 13, Occupations Code (Texas Racing Act)].~~  
13           (a-1) Subject to Section 411.087 and consistent with the  
14 public policy of this state, the Texas Racing Commission is  
15 entitled to:  
16           (1) obtain through the Federal Bureau of Investigation  
17 criminal history record information maintained or indexed by that  
18 bureau that pertains to a person described by Subsection (a); and  
19           (2) obtain from the department or any other criminal  
20 justice agency in this state criminal history record information  
21 maintained by the department or that criminal justice agency that  
22 relates to a person described by Subsection (a).  
23           (b) The Texas Racing Commission may not release or disclose  
24 to any person criminal history record information obtained from the  
25 Federal Bureau of Investigation under Subsection (a-1)(1).  
26 Criminal history record information obtained by the Texas Racing  
27 Commission [~~commission~~] under Subsection (a-1)(2) [~~(a)~~] may not be

1 released or disclosed to any person except [~~in a criminal~~  
2 ~~proceeding, in a hearing conducted by the commission,~~] on court  
3 order, [~~or~~] with the written consent of the person who is the  
4 subject of the criminal history record information, or as provided  
5 by Subsection (c) [~~applicant~~].

6 (c) The Texas Racing Commission is not prohibited from  
7 disclosing criminal history record information obtained under  
8 Subsection (a-1)(2) in a criminal proceeding or in a hearing  
9 conducted by the Texas Racing Commission or the State Office of  
10 Administrative Hearings.

11 (d) The Texas Racing Commission shall destroy criminal  
12 history record information that is obtained under this section  
13 after the information is used for its authorized purpose.

14 SECTION 19. Section 411.097, Government Code, is amended by  
15 amending Subsections (a), (b), (c), and (d) and adding Subsections  
16 (c-1), (g), and (h) to read as follows:

17 (a) A school district, charter school, private school,  
18 regional education service center, commercial transportation  
19 company, or education shared services arrangement, or an entity  
20 that contracts to provide services to a school district, charter  
21 school, or shared services arrangement, is entitled to obtain [~~from~~  
22 ~~the department~~] criminal history record information as provided by  
23 Subsection (c-1) [~~maintained by the department~~] that the district,  
24 school, service center, shared services arrangement, or entity is  
25 required or authorized to obtain under Subchapter C, Chapter 22,  
26 Education Code, that relates to a person who is:

27 (1) an applicant for employment by the district,

1 school, service center, or shared services arrangement;

2 (2) an employee of or an applicant for employment with  
3 a public or commercial transportation company that contracts with  
4 the district, school, service center, or shared services  
5 arrangement to provide transportation services if the employee  
6 drives or the applicant will drive a bus in which students are  
7 transported or is employed or is seeking employment as a bus monitor  
8 or bus aide on a bus in which students are transported; ~~or~~

9 (3) an employee of or applicant for employment by an  
10 entity that contracts to provide services to a school district,  
11 charter school, or shared services arrangement as provided by  
12 Section 22.0834 ~~[or 22.08341]~~, Education Code;

13 (4) an employee of or applicant for employment by a  
14 subcontractor of an entity that contracts to provide services to a  
15 school district, charter school, or shared services arrangement as  
16 provided by Section 22.0834, Education Code; or

17 (5) a tutor who provides services on behalf of a  
18 service provider that offers accelerated or supplemental  
19 instruction under Section 28.0211, Education Code.

20 (b) A school district, charter school, private school,  
21 regional education service center, or education shared services  
22 arrangement is entitled to obtain ~~[from the department]~~ criminal  
23 history record information as provided by Subsection (c-1)  
24 ~~[maintained by the department]~~ that the district, school, service  
25 center, or shared services arrangement is required or authorized to  
26 obtain under Subchapter C, Chapter 22, Education Code, that relates  
27 to a person who is a volunteer, student teacher, or employee of the

1 district, school, service center, or shared services arrangement.

2 (c) An open-enrollment charter school is entitled to obtain  
3 ~~[from the department]~~ criminal history record information as  
4 provided by Subsection (c-1) ~~[maintained by the department]~~ that  
5 relates to a person who:

6 (1) is a member of the governing body of the school, as  
7 defined by Section 12.1012, Education Code; or

8 (2) has agreed to serve as a member of the governing  
9 body of the school.

10 (c-1) Subject to Section 411.087 and consistent with the  
11 public policy of this state:

12 (1) a school district, charter school, regional  
13 education service center, or education shared services arrangement  
14 is entitled to obtain through the Federal Bureau of Investigation  
15 criminal history record information maintained or indexed by that  
16 bureau that pertains to a person described by Subsection (a), (b),  
17 or (c), as applicable; and

18 (2) a school district, charter school, private school,  
19 regional education service center, commercial transportation  
20 company, or education shared services arrangement, or an entity  
21 that contracts to provide services to a school district, charter  
22 school, or shared services arrangement, is entitled to obtain from  
23 the department or any other criminal justice agency in this state  
24 criminal history record information maintained by the department or  
25 that criminal justice agency that relates to a person described by  
26 Subsection (a), (b), or (c), as applicable.

27 (d) A school district, charter school, regional education

1 service center, or education shared services arrangement may not  
2 release or disclose to any person criminal history record  
3 information obtained from the Federal Bureau of Investigation under  
4 Subsection (c-1)(1). Criminal history record information obtained  
5 by a school district, charter school, private school, service  
6 center, commercial transportation company, or shared services  
7 arrangement, or obtained by an entity that contracts to provide  
8 services to a school district, charter school, or shared services  
9 arrangement, under Subsection (c-1)(2) in the original form or any  
10 subsequent form:

11 (1) may not be released to any person except:

12 (A) the individual who is the subject of the  
13 information;

14 (B) the Texas Education Agency;

15 (C) the State Board for Educator Certification;

16 (D) the chief personnel officer of the  
17 transportation company, if the information is obtained under  
18 Subsection (a)(2); or

19 (E) by court order; and

20 (2) is not subject to disclosure as provided by  
21 Chapter 552[, ~~and~~

22 ~~[(3) shall be destroyed by the school district,~~  
23 ~~charter school, private school, service center, commercial~~  
24 ~~transportation company, or shared services arrangement on the~~  
25 ~~earlier of:~~

26 ~~[(A) the first anniversary of the date the~~  
27 ~~information was originally obtained, or~~

1                   ~~[(B) the date the information is used for the~~  
2 ~~authorized purpose].~~

3           (g) A school district, charter school, private school,  
4 regional education service center, commercial transportation  
5 company, or education shared services arrangement or an entity that  
6 contracts to provide services to a school district, charter school,  
7 or shared services arrangement, as applicable, is not prohibited  
8 from disclosing criminal history record information obtained under  
9 Subsection (c-1)(2) in a criminal proceeding or in a hearing  
10 conducted by the Texas Education Agency or the State Board for  
11 Educator Certification.

12           (h) A school district, charter school, private school,  
13 regional education service center, commercial transportation  
14 company, or education shared services arrangement or an entity that  
15 contracts to provide services to a school district, charter school,  
16 or shared services arrangement, as applicable, shall destroy  
17 criminal history record information that is obtained under this  
18 section after the information is used for its authorized purpose.

19           SECTION 20. Section 411.0995, Government Code, is amended  
20 to read as follows:

21           Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD  
22 INFORMATION: STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) The  
23 State Board of Veterinary Medical Examiners is entitled to obtain  
24 ~~[from the department]~~ criminal history record information as  
25 provided by Subsection (b) ~~[maintained by the department]~~ that  
26 relates to a license under Chapter 801, Occupations Code, for a  
27 person who is:

1           (1) an applicant for:  
2           (A) a license, temporary license, or special  
3 license to practice veterinary medicine;  
4           (B) a veterinary technician license; or  
5           (C) an equine dental provider license; or  
6           (2) a holder of a license described by Subdivision  
7 (1)(A), (B), or (C) [~~(1) an applicant for a license to practice~~  
8 equine dentistry under Chapter 801, Occupations Code; or  
9           [~~(2) the holder of a license under that chapter~~].  
10          (b) Subject to Section 411.087 and consistent with the  
11 public policy of this state, the State Board of Veterinary Medical  
12 Examiners is entitled to:  
13          (1) obtain through the Federal Bureau of Investigation  
14 criminal history record information maintained or indexed by that  
15 bureau that pertains to a person described by Subsection (a); and  
16          (2) obtain from the department or any other criminal  
17 justice agency in this state criminal history record information  
18 maintained by the department or that criminal justice agency that  
19 relates to a person described by Subsection (a).  
20          (c) The State Board of Veterinary Medical Examiners may not  
21 release or disclose to any person criminal history record  
22 information obtained from the Federal Bureau of Investigation under  
23 Subsection (b)(1). Criminal history record information obtained by  
24 the State Board of Veterinary Medical Examiners under Subsection  
25 (b)(2) may not be released or disclosed to any person except on  
26 court order, with the written consent of the person who is the  
27 subject of the criminal history record information, or as provided

1 by Subsection (d).

2 (d) The State Board of Veterinary Medical Examiners is not  
3 prohibited from disclosing criminal history record information  
4 obtained under Subsection (b)(2) in a criminal proceeding or in a  
5 hearing conducted by the State Board of Veterinary Medical  
6 Examiners.

7 (e) The State Board of Veterinary Medical Examiners shall  
8 destroy criminal history record information that is obtained under  
9 this section after the information is used for its authorized  
10 purpose.

11 SECTION 21. Section 411.105, Government Code, is amended to  
12 read as follows:

13 Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD  
14 INFORMATION: TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. (a) The  
15 Texas State Board of Public Accountancy is entitled to obtain [~~from~~  
16 ~~the department~~] criminal history record information as provided by  
17 Subsection (b) [~~maintained by the department~~] that relates to [~~a~~  
18 ~~person who is~~]:

19 (1) an applicant for a license or certification as a  
20 certified public accountant under Chapter 901, Occupations Code;  
21 [~~or~~]

22 (2) an applicant to take the uniform certified public  
23 accountant [CPA] examination under Chapter 901, Occupations Code;

24 (3) an applicant for reinstatement of a license or  
25 certificate under Chapter 901, Occupations Code;

26 (4) an applicant for a license or certification  
27 renewal under Chapter 901, Occupations Code; or

1           (5) an owner or an individual who seeks to become an  
2 owner of a certified public accountancy firm if the owner or  
3 prospective owner is not a license holder under Chapter 901,  
4 Occupations Code [~~that Act~~].

5           (b) Subject to Section 411.087 of this code and Section  
6 901.169, Occupations Code, and consistent with the public policy of  
7 this state, the Texas State Board of Public Accountancy is entitled  
8 to:

9           (1) obtain through the Federal Bureau of Investigation  
10 criminal history record information maintained or indexed by that  
11 bureau that pertains to a person described by Subsection (a); and

12           (2) obtain from the department or any other criminal  
13 justice agency in this state criminal history record information  
14 maintained by the department or that criminal justice agency that  
15 relates to a person described by Subsection (a).

16           (c) The Texas State Board of Public Accountancy may not  
17 release or disclose to any person criminal history record  
18 information obtained from the Federal Bureau of Investigation under  
19 Subsection (b)(1). Criminal history record information obtained by  
20 the board under Subsection (b)(2) may not be released or disclosed  
21 to any person except on court order, with the written consent of the  
22 person who is the subject of the criminal history record  
23 information, or as provided by Subsection (d).

24           (d) The board is not prohibited from disclosing criminal  
25 history record information obtained under Subsection (b)(2) in a  
26 criminal proceeding or in a hearing conducted by or on behalf of the  
27 board.

1       (e) The board shall destroy criminal history record  
2 information that is obtained under this section after the  
3 information is used for its authorized purpose.

4       SECTION 22. Section 411.106, Government Code, is amended to  
5 read as follows:

6       Sec. 411.106. ACCESS TO CRIMINAL HISTORY RECORD  
7 INFORMATION: TEXAS DEPARTMENT OF INSURANCE. (a) The Texas  
8 Department of Insurance [~~for good cause shown~~] is entitled to  
9 obtain [~~from the department~~] criminal history record information as  
10 provided by Subsection (a-1) [~~maintained by the department~~] that  
11 relates to a person who is:

12           (1) an applicant for a license, permit, certificate of  
13 authority, certificate of registration, or other authorization  
14 issued by the Texas Department [~~State Board~~] of Insurance to engage  
15 in an activity regulated under the Insurance Code; or

16           (2) a corporate officer or director of an insurance  
17 company regulated by the Texas Department of Insurance.

18       (a-1) Subject to Section 411.087 and consistent with the  
19 public policy of this state, the Texas Department of Insurance is  
20 entitled to:

21           (1) obtain through the Federal Bureau of Investigation  
22 criminal history record information maintained or indexed by that  
23 bureau that pertains to a person described by Subsection (a); and

24           (2) obtain from the department or any other criminal  
25 justice agency in this state criminal history record information  
26 maintained by the department or that criminal justice agency that  
27 relates to a person described by Subsection (a).

1           (b) The Texas Department of Insurance may not release or  
2 disclose to any person criminal history record information obtained  
3 from the Federal Bureau of Investigation under Subsection (a-1)(1).  
4 Criminal history record information obtained by the Texas  
5 Department of Insurance under Subsection (a-1)(2) [~~a~~] may not be  
6 disclosed or released to any person except on court order, [~~or~~] with  
7 the written consent of the person who is the subject of the criminal  
8 history record information, or as provided by Subsection (b-1).

9           (b-1) The Texas Department of Insurance is not prohibited  
10 from disclosing criminal history record information obtained under  
11 Subsection (a-1)(2) in a criminal proceeding or in a hearing  
12 conducted by the Texas Department of Insurance.

13           (c) The [~~After the~~] Texas Department of Insurance [~~makes a~~  
14 ~~determination as to the issuance of a license or certificate of~~  
15 ~~authority to an applicant, the Texas Department of Insurance]~~ shall  
16 destroy [~~seal the~~] criminal history record information that is  
17 obtained under this section after the information is used for its  
18 authorized purpose [~~regarding the applicant and shall deliver the~~  
19 ~~information to the commissioner of insurance or the commissioner's~~  
20 ~~designee, who shall maintain the information as provided by State~~  
21 ~~Board of Insurance rule]~~.

22           SECTION 23. Section 411.107, Government Code, is amended to  
23 read as follows:

24           Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD  
25 INFORMATION: RECEIVER. (a) In this section, "receiver" has the  
26 meaning assigned by Section 443.004 [~~Article 21.28~~], Insurance  
27 Code.

1 (b) A receiver is entitled to obtain [~~from the department~~]  
2 criminal history record information as provided by Subsection (b-1)  
3 [~~maintained by the department~~] that relates to a person:

4 (1) who is a creditor or claimant of the receivership  
5 estate; or

6 (2) against whom the receivership estate has a claim  
7 [~~the receiver believes is necessary for the investigation of any~~  
8 ~~matter relating to a receivership estate]~~.

9 (b-1) A receiver is entitled to obtain from the department  
10 or any other criminal justice agency in this state criminal history  
11 record information maintained by the department or that criminal  
12 justice agency that relates to a person described by Subsection  
13 (b).

14 (c) Criminal history record information obtained by a  
15 receiver under Subsection (b-1) [~~(b)~~] may not be released or  
16 disclosed to any person except on court order or with the written  
17 consent of the person who is the subject of the criminal history  
18 record information.

19 (d) A receiver shall [~~may~~] destroy criminal history record  
20 information obtained by the receiver under this section [~~Subsection~~  
21 ~~(b)~~] after the purpose for which the information was obtained is  
22 accomplished.

23 SECTION 24. Section 411.108, Government Code, is amended to  
24 read as follows:

25 Sec. 411.108. ACCESS TO CRIMINAL HISTORY RECORD  
26 INFORMATION: TEXAS LOTTERY COMMISSION. (a) The Texas Lottery  
27 Commission is entitled to obtain [~~from the department~~] criminal

1 history record information as provided by Subsection (a-2)  
2 ~~[maintained by the department]~~ that relates to a person who, under  
3 Section 466.201 [under Chapter 466], is:

4 (1) a sales agent or an applicant for a sales agent  
5 license;

6 (2) a person required to be named in a license  
7 application;

8 (3) a lottery operator or prospective lottery operator  
9 who has submitted a written proposal to the commission in  
10 connection with the procurement of lottery operations and services  
11 by the commission;

12 (4) an employee of a lottery operator or prospective  
13 lottery operator, if the employee is or will be directly involved in  
14 lottery operations;

15 (5) a person who manufactures or distributes lottery  
16 equipment or supplies or a representative of a person who  
17 manufactures or distributes lottery equipment or supplies offered  
18 to the lottery;

19 (6) a person who has submitted a written bid or  
20 proposal to the commission in connection with the procurement of  
21 goods or services by the commission, if the amount of the bid or  
22 proposal exceeds \$500;

23 (7) an employee or other person who works for or will  
24 work for a sales agent or an applicant for a sales agent license;

25 (8) a person who proposes to enter into or who has a  
26 contract with the commission to supply goods or services to the  
27 commission;

1                   (9) if a person described in Subdivisions (1) through  
2 (8) of this section is not an individual, an individual who:  
3                   (A) is an officer or director of the person;  
4                   (B) holds more than 10 percent of the stock in the  
5 person;  
6                   (C) holds an equitable interest greater than 10  
7 percent in the person;  
8                   (D) is a creditor of the person who holds more  
9 than 10 percent of the person's outstanding debt;  
10                   (E) is the owner or lessee of a business that the  
11 person conducts or through which the person will conduct  
12 lottery-related activities;  
13                   (F) shares or will share in the profits, other  
14 than stock dividends, of the person;  
15                   (G) participates in managing the affairs of the  
16 person; or  
17                   (H) is an employee of the person who is or will be  
18 involved in:  
19                   (i) selling tickets; or  
20                   (ii) handling money from the sale of  
21 tickets;  
22                   (10) the executive director or a prospective executive  
23 director of the commission;  
24                   (11) an employee or prospective employee of the  
25 commission; or  
26                   (12) a sales agent whose license is renewed under  
27 Section 466.158.

1 (a-1) The Texas Lottery Commission is entitled to obtain  
2 [~~from the department~~] criminal history record information as  
3 provided by Subsection (a-2) [~~maintained by the department~~] that  
4 relates to a person licensed under Chapter 2001, Occupations Code,  
5 or described by Section 2001.3025, Occupations Code.

6 (a-2) Subject to Sections 411.087, 466.201, and 467.036(b)  
7 of this code and Section 2001.3025, Occupations Code, and  
8 consistent with the public policy of this state, the Texas Lottery  
9 Commission is entitled to:

10 (1) obtain through the Federal Bureau of Investigation  
11 criminal history record information maintained or indexed by that  
12 bureau that pertains to a person described by Subsection (a) or  
13 (a-1); and

14 (2) obtain from the department or any other criminal  
15 justice agency in this state criminal history record information  
16 maintained by the department or that criminal justice agency that  
17 relates to a person described by Subsection (a) or (a-1).

18 (b) The Texas Lottery Commission may not release or disclose  
19 to any person criminal history record information obtained from the  
20 Federal Bureau of Investigation under Subsection (a-2)(1).  
21 Criminal history record information obtained by the commission  
22 under Subsection (a-2)(2) [~~(a) or (a-1)~~] may not be released or  
23 disclosed to any person except on court order, with the written  
24 consent of the person who is the subject of the criminal history  
25 record information, or as provided by Subsection (c) or (d).

26 (c) The Texas Lottery Commission [~~commission~~] is not  
27 prohibited from disclosing to the person who is the subject of the

1 criminal history record information obtained under Subsection  
2 (a-2)(2) the dates and places of arrests, offenses, and  
3 dispositions contained in the [~~criminal history record~~]  
4 information.

5 (d) The Texas Lottery Commission is not prohibited from  
6 disclosing criminal history record information obtained under  
7 Subsection (a-2)(2) in a criminal proceeding or in a hearing  
8 conducted by the State Office of Administrative Hearings.

9 (e) The Texas Lottery Commission shall destroy criminal  
10 history record information that is obtained under this section  
11 after the information is used for its authorized purpose.

12 SECTION 25. Section 411.109, Government Code, is amended by  
13 amending Subsections (a), (b), and (d) and adding Subsections (c),  
14 (f), and (g) to read as follows:

15 (a) The comptroller is entitled to obtain [~~from the~~  
16 ~~department~~] criminal history record information as provided by  
17 Subsection (c) [maintained by the department] that the comptroller  
18 believes is necessary for the enforcement or administration of  
19 Chapter 103, Civil Practice and Remedies Code, or Chapter 151, 152,  
20 154, 155, or 162, Tax Code, including criminal history record  
21 information that relates to a person who is:

22 (1) an applicant for a permit under any of those  
23 chapters;

24 (2) a permit holder under any of those chapters;

25 (3) an officer, director, stockholder owning 10  
26 percent or more of the outstanding stock, partner, owner, or  
27 managing employee of an applicant or permit holder under any of

1 those chapters that is a corporation, association, joint venture,  
2 syndicate, partnership, or proprietorship;

3 (4) believed to have violated any of those chapters;

4 (5) being considered by the comptroller for employment  
5 as a peace officer; or

6 (6) receiving, scheduled to receive, or applying to  
7 receive compensation under Chapter 103, Civil Practice and Remedies  
8 Code.

9 (b) The comptroller is entitled to obtain [~~from the~~  
10 ~~department~~] criminal history record information as provided by  
11 Subsection (c) [maintained by the department] that relates to a  
12 person who is an employee, intern, learner, trainee, contractor,  
13 subcontractor, apprentice, or volunteer of, or who is an applicant  
14 for employment or service in one of those capacities with, the  
15 comptroller's office in a position that involves:

16 (1) handling currency, checks, or other funds;

17 (2) having access to taxpayer account information;

18 (3) working in a location designated by the  
19 comptroller as a security-sensitive area; [~~or~~]

20 (4) performing financial management duties designated  
21 by the comptroller as security sensitive;

22 (5) performing work on a computer system; or

23 (6) having remote access to comptroller computer  
24 systems, information technology, or information technology  
25 resources.

26 (c) Subject to Section 411.087 and consistent with the  
27 public policy of this state, the comptroller is entitled to:

1           (1) obtain through the Federal Bureau of Investigation  
2 criminal history record information maintained or indexed by that  
3 bureau that pertains to a person described by Subsection (a) or (b);  
4 and

5           (2) obtain from the department or any other criminal  
6 justice agency in this state criminal history record information  
7 maintained by the department or that criminal justice agency that  
8 relates to a person described by Subsection (a) or (b).

9           (d) The comptroller may not release or disclose to any  
10 person criminal history record information obtained from the  
11 Federal Bureau of Investigation under Subsection (c)(1). Criminal  
12 history record information obtained by the comptroller under  
13 Subsection (c)(2) [~~Subsections (a), (b), and (c)~~] may not be  
14 released or disclosed to any person except on court order, with the  
15 written consent of the person who is the subject of the criminal  
16 history record information, or as provided by Subsection (e) or  
17 (f).

18           (f) The comptroller is not prohibited from disclosing  
19 criminal history record information obtained under Subsection  
20 (c)(2) in a criminal proceeding or in a hearing conducted by the  
21 comptroller.

22           (g) The comptroller shall destroy criminal history record  
23 information that is obtained under this section after the  
24 information is used for its authorized purpose.

25           SECTION 26. Section 411.110, Government Code, is amended by  
26 amending Subsections (a), (b), (c), and (e) and adding Subsection  
27 (a-1) to read as follows:

1 (a) The Department of State Health Services and the Health  
2 and Human Services Commission are entitled to obtain [~~from the~~  
3 ~~department~~] criminal history record information as provided by  
4 Subsection (a-1) [~~maintained by the department~~] that relates to a  
5 person who is:

6 (1) [~~a person who is:~~  
7 [(A)] an applicant for a license or certificate  
8 under Chapter 773, Health and Safety Code, [~~the Emergency Health~~  
9 ~~Care Act (Chapter 773, Health and Safety Code),~~]

10 [(B)] an owner or manager of an applicant for an  
11 emergency medical services provider license under that chapter,  
12 [~~Act,~~] or

13 [(C)] the holder of a license or certificate  
14 under that chapter [~~Act~~];

15 (2) an applicant for a license or a license holder  
16 under Subchapter I, L, or [~~Subchapter~~] N, Chapter 431, Health and  
17 Safety Code;

18 (3) an applicant for employment at or current employee  
19 of:

20 (A) a public health hospital as defined by  
21 Section 13.033, Health and Safety Code; or

22 (B) the South Texas Health Care System;

23 (4) an applicant for employment at, current employee  
24 of, or person who contracts or may contract to provide goods or  
25 services with the Council on Sex Offender Treatment or other  
26 division or component of the Health and Human Services Commission  
27 that monitors sexually violent predators as described by Section

1 841.003(a), Health and Safety Code; [~~or~~]

2 (5) [~~a person~~] authorized to access vital records or  
3 the vital records electronic registration system under Chapter 191,  
4 Health and Safety Code, including an employee of or contractor for  
5 the Department of State Health Services, a local registrar, a  
6 medical professional, or a funeral director; or

7 (6) an applicant for a license or a license holder  
8 under Subchapter C, Chapter 443, Health and Safety Code.

9 (a-1) Subject to Section 411.087 and consistent with the  
10 public policy of this state, the Department of State Health  
11 Services and the Health and Human Services Commission are entitled  
12 to:

13 (1) obtain through the Federal Bureau of Investigation  
14 criminal history record information maintained or indexed by that  
15 bureau that pertains to a person described by Subsection (a); and

16 (2) obtain from the department or any other criminal  
17 justice agency in this state criminal history record information  
18 maintained by the department or that criminal justice agency that  
19 relates to a person described by Subsection (a).

20 (b) The Department of State Health Services or the Health  
21 and Human Services Commission, as applicable, may not release or  
22 disclose to any person criminal history record information obtained  
23 from the Federal Bureau of Investigation under Subsection  
24 (a-1)(1). Criminal history record information obtained by the  
25 Department of State Health Services or the Health and Human  
26 Services Commission under Subsection (a-1)(2) [~~a~~] may not be  
27 released or disclosed to any person except:

1           (1) on court order;

2           (2) [~~7~~] with the written consent of the person who [~~or~~  
3 ~~entity that~~] is the subject of the criminal history record  
4 information;

5           (3) between the Department of State Health Services  
6 and the Health and Human Services Commission to share with the other  
7 agency information obtained under this section for the purposes  
8 authorized by this section; or

9           (4) [~~7~~ or] as provided by Subsection (e).

10          (c) The [~~After an entity is licensed or certified, the~~]  
11 Department of State Health Services or the Health and Human  
12 Services Commission, as applicable, shall destroy the criminal  
13 history record information that is obtained under this section  
14 after the information is used for its authorized purpose [~~relates~~  
15 ~~to that entity. The Department of State Health Services or the~~  
16 ~~Health and Human Services Commission, as applicable, shall destroy~~  
17 ~~the criminal history record information that relates to:~~

18           ~~[(1) an applicant for employment after that applicant~~  
19 ~~is employed or, for an applicant who is not employed, after the~~  
20 ~~check of the criminal history record information on that applicant~~  
21 ~~is completed; or~~

22           ~~[(2) an employee or contractor after the check of the~~  
23 ~~criminal history record information on that employee or contractor~~  
24 ~~is completed].~~

25          (e) The Department of State Health Services or the Health  
26 and Human Services Commission, as applicable, is not prohibited  
27 from disclosing criminal history record information obtained under

1 Subsection (a-1)(2) [~~(a)~~] in a criminal proceeding or in a hearing  
2 conducted by that agency [~~the Department of State Health Services~~  
3 ~~or the Health and Human Services Commission, as applicable~~].

4 SECTION 27. Section 411.1103, Government Code, is amended  
5 to read as follows:

6 Sec. 411.1103. ACCESS TO CRIMINAL HISTORY RECORD  
7 INFORMATION: [~~DEPARTMENT OF STATE HEALTH SERVICES AND~~] HEALTH AND  
8 HUMAN SERVICES COMMISSION. (a) The [~~Department of State Health~~  
9 ~~Services and the~~] Health and Human Services Commission is [~~are~~]  
10 entitled to obtain [~~from the department~~] criminal history record  
11 information as provided by Subsection (d) [~~maintained by the~~  
12 ~~department~~] that relates to a person:

13 (1) who is:

14 (A) an applicant for employment at a state  
15 hospital established under Chapter 552, Health and Safety Code;

16 (B) an employee of a state hospital established  
17 under Chapter 552, Health and Safety Code;

18 (C) a person who contracts or may contract to  
19 provide goods or services to the [~~Department of State Health~~  
20 ~~Services or the~~] Health and Human Services Commission, as  
21 applicable, at a state hospital established under Chapter 552,  
22 Health and Safety Code, or an employee of or applicant for  
23 employment with that person;

24 (D) a volunteer with a state hospital established  
25 under Chapter 552, Health and Safety Code; or

26 (E) an applicant for a volunteer position with a  
27 state hospital established under Chapter 552, Health and Safety

1 Code; and

2 (2) who would be placed in direct contact with a  
3 patient at a state hospital established under Chapter 552, Health  
4 and Safety Code.

5 (b) The Health and Human Services Commission may not release  
6 or disclose to any person criminal history record information  
7 obtained from the Federal Bureau of Investigation under Subsection  
8 (d)(1). Criminal history record information obtained by the  
9 [~~Department of State Health Services or the~~] Health and Human  
10 Services Commission under Subsection (d)(2) [~~this section~~] may not  
11 be released or disclosed to any person except:

12 (1) on court order;

13 (2) with the consent of the person who is the subject  
14 of the criminal history record information;

15 (3) for purposes of an administrative hearing held by  
16 the [~~Department of State Health Services or the~~] Health and Human  
17 Services Commission [~~, as applicable,~~] concerning the person who is  
18 the subject of the criminal history record information; or

19 (4) as provided by Subsection (c).

20 (c) The [~~Department of State Health Services or the~~] Health  
21 and Human Services Commission is not prohibited from releasing  
22 criminal history record information obtained under Subsection  
23 (d)(2) [~~this section~~] to the person who is the subject of the  
24 criminal history record information.

25 (d) Subject to Section 411.087 and consistent with the  
26 public policy of this state, the [~~Department of State Health~~  
27 ~~Services and the~~] Health and Human Services Commission is [~~are~~]

1 entitled to:

2 (1) obtain through the Federal Bureau of Investigation  
3 criminal history record information maintained or indexed by that  
4 bureau that pertains to a person described by Subsection (a); and

5 (2) obtain from the department or any other criminal  
6 justice agency in this state criminal history record information  
7 maintained by the department or that criminal justice agency that  
8 relates to a person described by Subsection (a).

9 (e) This section does not prohibit the [~~Department of State~~  
10 ~~Health Services or the~~] Health and Human Services Commission from  
11 obtaining and using criminal history record information as provided  
12 by other law.

13 (f) The Health and Human Services Commission shall destroy  
14 criminal history record information that is obtained under this  
15 section after the information is used for its authorized purpose.

16 SECTION 28. Section 411.1105, Government Code, is amended  
17 to read as follows:

18 Sec. 411.1105. ACCESS TO CRIMINAL HISTORY RECORD  
19 INFORMATION: [~~DEPARTMENT OF STATE HEALTH SERVICES AND~~] HEALTH AND  
20 HUMAN SERVICES COMMISSION. (a) The [~~Department of State Health~~  
21 ~~Services and the~~] Health and Human Services Commission is [~~are~~]  
22 entitled to obtain [~~from the department~~] criminal history record  
23 information as provided by Subsections (a-1) and (b) [~~maintained by~~  
24 ~~the department~~] that relates to a person who is:

25 (1) an applicant for a chemical dependency counselor's  
26 license, a counselor intern's registration, or a clinical  
27 supervisor certification under Chapter 504, Occupations Code; or

1 (2) the holder of a license, registration, or  
2 certification under that chapter.

3 (a-1) Subject to Section 411.087 and consistent with the  
4 public policy of this state, the Health and Human Services  
5 Commission is entitled to:

6 (1) obtain through the Federal Bureau of Investigation  
7 criminal history record information maintained or indexed by that  
8 bureau that pertains to a person described by Subsection (a); and

9 (2) obtain from the department or any other criminal  
10 justice agency in this state criminal history record information  
11 maintained by the department or that criminal justice agency that  
12 relates to a person described by Subsection (a).

13 (b) In addition to information obtained from the Federal  
14 Bureau of Investigation under Subsection (a-1)(1) and Section  
15 411.087, the [~~Department of State Health Services and the~~] Health  
16 and Human Services Commission is [~~are~~] entitled to obtain  
17 information relating to the wanted persons status of an individual  
18 listed in Subsection (a).

19 (c) The Health and Human Services Commission may not release  
20 or disclose to any person criminal history record information  
21 obtained from the Federal Bureau of Investigation under Subsection  
22 (a-1)(1) or (b). Criminal history record information obtained by  
23 the [~~Department of State Health Services or the~~] Health and Human  
24 Services Commission under Subsection (a-1)(2) [~~(a)~~] may not be  
25 released or disclosed to any person except:

26 (1) on court order;

27 (2) [r] with the consent of the person who is the

1 subject of the criminal history record information; ~~[7]~~ or

2 (3) as provided by Subsection (d).

3 (d) The ~~[Department of State Health Services or the]~~ Health  
4 and Human Services Commission~~[, as applicable,]~~ may provide the  
5 applicant or licensee with a copy of the person's criminal history  
6 record information obtained from the Department of Public Safety ~~[7~~  
7 ~~Federal Bureau of Investigation identification division,]~~ or  
8 another law enforcement agency under Subsection (a-1)(2).

9 (e) This section does not prohibit the Health and Human  
10 Services Commission from obtaining and using criminal history  
11 record information as provided by other law.

12 (f) The Health and Human Services Commission shall destroy  
13 criminal history record information that is obtained under this  
14 section after the information is used for its authorized purpose.

15 SECTION 29. Section 411.1106, Government Code, is amended  
16 by amending Subsections (b), (c), (d), and (e) and adding  
17 Subsections (b-1) and (f) to read as follows:

18 (b) The executive commissioner of the commission, or the  
19 executive commissioner's designee, is entitled to obtain ~~[from the~~  
20 ~~department]~~ criminal history record information as provided by  
21 Subsection (b-1) ~~[maintained by the department]~~ that relates to a  
22 person who is:

23 (1) an applicant ~~[for employment]~~ for a position in  
24 which the person, as an employee, contractor, or volunteer, would  
25 have access to sensitive personal or financial information, as  
26 determined by the executive commissioner, in:

27 (A) the eligibility services division of the

1 commission as established under Section 531.008; [~~or~~]

2 (B) the commission's office of inspector general  
3 as established by Section 531.008 and Subchapter C, Chapter 531; or

4 (C) the regulatory division of the commission as  
5 established under Section 531.008; or

6 (2) an employee of or a contractor or volunteer for the  
7 commission who has access to sensitive personal or financial  
8 information, as determined by the executive commissioner.

9 (b-1) Subject to Section 411.087 and consistent with the  
10 public policy of this state, the commission is entitled to:

11 (1) obtain through the Federal Bureau of Investigation  
12 criminal history record information maintained or indexed by that  
13 bureau that pertains to a person described by Subsection (b); and

14 (2) obtain from the department or any other criminal  
15 justice agency in this state criminal history record information  
16 maintained by the department or that criminal justice agency that  
17 relates to a person described by Subsection (b).

18 (c) The commission may not release or disclose to any person  
19 criminal history record information obtained from the Federal  
20 Bureau of Investigation under Subsection (b-1)(1). Criminal  
21 history record information obtained by the executive commissioner  
22 of the commission, or by the executive commissioner's designee,  
23 under Subsection (b-1)(2) [~~(b)~~] may not be released or disclosed,  
24 except:

25 (1) if the information is in a public record at the  
26 time the information is obtained;

27 (2) on court order;

1 (3) to a criminal justice agency, upon request;

2 (4) with the consent of the person who is the subject  
3 of the criminal history record information; or

4 (5) as provided by Subsection (d).

5 (d) The commission is not prohibited from disclosing  
6 criminal history record information obtained under Subsection  
7 (b-1)(2) [~~(b)~~] in a criminal proceeding or in a hearing conducted by  
8 the commission.

9 (e) The executive commissioner shall destroy [~~all~~] criminal  
10 history record information obtained under this section [~~Subsection~~  
11 ~~(b)~~] as soon as practicable after the information is used for its  
12 authorized purpose.

13 (f) This section does not prohibit the commission from  
14 obtaining and using criminal history record information as provided  
15 by other law.

16 SECTION 30. Section 411.1131, Government Code, is amended  
17 to read as follows:

18 Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD  
19 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health  
20 and Human Services Commission is entitled to obtain [~~from the~~  
21 ~~department~~] criminal history record information as provided by  
22 Subsection (a-1) [~~maintained by the department~~] that relates to a  
23 person who is an applicant for a staff position at an outdoor  
24 training program for children who are deaf or hard of hearing  
25 conducted by a private entity through a contract with the Health and  
26 Human Services Commission in accordance with Section 81.013, Human  
27 Resources Code.

1           (a-1) Subject to Section 411.087 and consistent with the  
2 public policy of this state, the Health and Human Services  
3 Commission is entitled to:

4           (1) obtain through the Federal Bureau of Investigation  
5 criminal history record information maintained or indexed by that  
6 bureau that pertains to a person described by Subsection (a); and

7           (2) obtain from the department or any other criminal  
8 justice agency in this state criminal history record information  
9 maintained by the department or that criminal justice agency that  
10 relates to a person described by Subsection (a).

11           (b) Criminal history record information obtained by the  
12 Health and Human Services Commission under Subsection (a-1) [~~(a)~~]  
13 may be used only to evaluate an applicant for a staff position at an  
14 outdoor training program for children who are deaf or hard of  
15 hearing. The Health and Human Services Commission may release or  
16 disclose the information obtained under Subsection (a-1)(2) to a  
17 private entity described by Subsection (a) for that purpose.

18           (c) The Health and Human Services Commission may not release  
19 or disclose to any person criminal history record information  
20 obtained from the Federal Bureau of Investigation under Subsection  
21 (a-1)(1). The Health and Human Services Commission may not release  
22 or disclose information obtained under Subsection (a-1)(2) [~~(a)~~],  
23 except as described by Subsection (b), on court order, or with the  
24 consent of the person who is the subject of the criminal history  
25 record information.

26           (d) The Health and Human Services Commission [~~and~~] shall  
27 destroy [~~all~~] criminal history record information obtained under

1 Subsection (a-1) [~~(a)~~] after the information is used for its  
2 authorized purpose.

3 (e) This section does not prohibit the Health and Human  
4 Services Commission from obtaining and using criminal history  
5 record information as provided by other law.

6 SECTION 31. Section 411.114(a), Government Code, is amended  
7 by amending Subdivisions (2), (3), (4), (6), and (7) and adding  
8 Subdivision (4-a) to read as follows:

9 (2) The Department of Family and Protective Services  
10 or the Health and Human Services Commission, as applicable, shall  
11 obtain [~~from the department~~] criminal history record information as  
12 provided by Subdivision (4) [~~maintained by the department~~] that  
13 relates to a person who is:

14 (A) an applicant for a license, registration,  
15 certification, or listing under Chapter 42, Human Resources Code;

16 (B) an owner, operator, or employee of or an  
17 applicant for employment by a child-care facility, child-placing  
18 agency, or family home licensed, registered, certified, or listed  
19 under Chapter 42, Human Resources Code;

20 (C) a person 14 years of age or older who will be  
21 regularly or frequently working or staying in a facility or family  
22 home, other than a child in the care of the home or facility;

23 (D) an applicant selected for a position with the  
24 Department of Family and Protective Services or the Health and  
25 Human Services Commission, the duties of which include direct  
26 delivery of protective services to children, elderly persons, or  
27 persons with a disability;

1 (E) an employee of, an applicant for employment  
2 with, or a volunteer or an applicant volunteer with a business  
3 entity or person who [~~that~~] contracts with the Department of Family  
4 and Protective Services or the Health and Human Services Commission  
5 to provide direct delivery of protective services to children,  
6 elderly persons, or persons with a disability, if the person's  
7 duties or responsibilities include direct contact with children,  
8 elderly persons, or persons with a disability;

9 (F) a registered volunteer with the Department of  
10 Family and Protective Services or the Health and Human Services  
11 Commission;

12 (G) a person providing or applying to provide  
13 in-home, adoptive, or foster care for children in the care of the  
14 Department of Family and Protective Services or the Health and  
15 Human Services Commission and other persons living in the residence  
16 in which the child will reside;

17 (H) a Department of Family and Protective  
18 Services employee or a Health and Human Services Commission  
19 employee who is engaged in the direct delivery of protective  
20 services to children, elderly persons, or persons with a  
21 disability;

22 (I) an alleged perpetrator in a report the  
23 Department of Family and Protective Services or the Health and  
24 Human Services Commission receives alleging that the person has  
25 abused, neglected, or exploited a child, an elderly person, or a  
26 person with a disability, provided that:

27 (i) the report alleges the person has

1 engaged in conduct that meets the applicable definition of abuse,  
2 neglect, or exploitation under Chapter 261, Family Code, or Chapter  
3 48, Human Resources Code; and

4 (ii) the person is not also the victim of  
5 the alleged conduct;

6 (J) a person providing child care for a child who  
7 is in the care of the Department of Family and Protective Services  
8 or the Health and Human Services Commission and who is or will be  
9 receiving adoptive, foster, or in-home care;

10 (K) through a contract with a nonprofit  
11 management center, an employee of, an applicant for employment  
12 with, or a volunteer or an applicant volunteer with a nonprofit,  
13 tax-exempt organization that provides any service that involves the  
14 care of or access to a child, an elderly person, or a person with a  
15 disability; or

16 (L) an applicant for a child-care administrator  
17 or child-placing agency administrator license under Chapter 43,  
18 Human Resources Code.

19 (3) In addition to the criminal history record  
20 information the Department of Family and Protective Services or the  
21 Health and Human Services Commission is required to obtain under  
22 Subdivision (2), the Department of Family and Protective Services  
23 or the Health and Human Services Commission, as applicable, is  
24 entitled to obtain [~~from the department~~] criminal history record  
25 information as provided by Subdivision (4) [~~maintained by the~~  
26 ~~department~~] that relates to a person who is:

27 (A) an applicant for a position with the

1 Department of Family and Protective Services or the Health and  
2 Human Services Commission regardless of the duties of the position,  
3 including a position described by Subdivision (2)(D);

4 (B) a Department of Family and Protective  
5 Services employee or a Health and Human Services Commission  
6 employee regardless of the duties of the employee's position,  
7 including an employee described by Subdivision (2)(H);

8 (C) a volunteer or applicant volunteer with the  
9 Department of Family and Protective Services or the Health and  
10 Human Services Commission regardless of the duties to be performed,  
11 including a registered volunteer;

12 (D) an employee of, an applicant for employment  
13 with, or a volunteer or an applicant volunteer with an entity or  
14 person who [~~that~~] contracts with the Department of Family and  
15 Protective Services or the Health and Human Services Commission, as  
16 applicable, and has access to confidential information in that  
17 department's or commission's records, if the employee, applicant,  
18 volunteer, or applicant volunteer has or will have access to that  
19 confidential information;

20 (E) a person living in the residence in which the  
21 alleged victim of the report resides, including an alleged  
22 perpetrator in a report described by Subdivision (2)(I);

23 (F) a person providing, at the request of the  
24 child's parent, in-home care for a child who is the subject of a  
25 report alleging the child has been abused or neglected;

26 (G) a person providing, at the request of the  
27 child's parent, in-home care for a child only if the person gives

1 written consent to the release and disclosure of the information;

2 (H) a child who is related to the caretaker, as  
3 determined under Section 42.002, Human Resources Code, or any other  
4 person who resides in, is present in, or has unsupervised access to  
5 a child in the care of a facility or family home;

6 (I) a relative of a child in the care of the  
7 Department of Family and Protective Services or the Health and  
8 Human Services Commission, as applicable, to the extent necessary  
9 to comply with Section 162.007, Family Code;

10 (J) a person providing or applying to provide  
11 in-home, adoptive, or foster care for children to the extent  
12 necessary to comply with Subchapter B, Chapter 162, Family Code;

13 (K) a person who volunteers to supervise  
14 visitation under Subchapter B, Chapter 263, Family Code;

15 (L) an employee of or volunteer at, or an  
16 applicant for employment with or to be a volunteer at, an entity  
17 that provides supervised independent living services to a young  
18 adult receiving extended foster care services from the Department  
19 of Family and Protective Services or the Health and Human Services  
20 Commission, as applicable;

21 (M) a person 14 years of age or older who will be  
22 regularly or frequently working or staying in a host home that is  
23 providing supervised independent living services to a young adult  
24 receiving extended foster care services from the Department of  
25 Family and Protective Services or the Health and Human Services  
26 Commission, as applicable;

27 (N) a volunteer or applicant volunteer with a

1 local affiliate in this state of Big Brothers Big Sisters of  
2 America;

3 (O) a volunteer or applicant volunteer with an  
4 organization that provides court-appointed volunteer advocates for  
5 abused or neglected children; or

6 (P) an employee, volunteer, or applicant  
7 volunteer of a children's advocacy center under Subchapter E,  
8 Chapter 264, Family Code, including a member of the governing board  
9 of a center.

10 (4) Subject to Section 411.087 and consistent with the  
11 public policy of this state, the Department of Family and  
12 Protective Services and the Health and Human Services Commission  
13 are entitled to:

14 (A) obtain through the Federal Bureau of  
15 Investigation criminal history record information maintained or  
16 indexed by that bureau that pertains to a person described by  
17 Subdivision (2) or (3); and

18 (B) obtain from the department or any other  
19 criminal justice agency in this state criminal history record  
20 information maintained by the department or that criminal justice  
21 agency that relates to a person described by Subdivision (2) or (3).

22 (4-a) Law enforcement entities shall expedite the  
23 furnishing of criminal history record [~~such~~] information obtained  
24 under Subdivision (4)(B) to Department of Family and Protective  
25 Services workers or Health and Human Services Commission workers,  
26 as applicable, to ensure prompt criminal background checks for the  
27 safety of alleged victims and Department of Family and Protective

1 Services workers or Health and Human Services Commission workers,  
2 as applicable.

3 (6) The Department of Family and Protective Services  
4 or the Health and Human Services Commission, as applicable, may not  
5 release or disclose to any person criminal history record  
6 information obtained from the Federal Bureau of Investigation under  
7 Subdivision (4)(A). Criminal history record information obtained  
8 by the Department of Family and Protective Services or the Health  
9 and Human Services Commission under Subdivision (4)(B) [~~this~~  
10 ~~subsection~~] may not be released to any person except:

11 (A) on court order;

12 (B) with the consent of the person who is the  
13 subject of the criminal history record information;

14 (C) for purposes of an administrative hearing  
15 held by the Department of Family and Protective Services or the  
16 Health and Human Services Commission, as applicable, concerning the  
17 person who is the subject of the criminal history record  
18 information; or

19 (D) as provided by Subdivision (7).

20 (7) Subject to Subdivision (8), the Department of  
21 Family and Protective Services or the Health and Human Services  
22 Commission, as applicable, is not prohibited from releasing  
23 criminal history record information obtained under Subdivision  
24 (4)(B) [~~this subsection~~] to:

25 (A) the person who is the subject of the criminal  
26 history record information;

27 (B) a child-placing agency listed in Subdivision

1 (2) that is seeking to verify or approve a foster or adoptive home  
2 under procedures authorized by federal law;

3 (C) an adult who resides with an alleged victim  
4 of abuse, neglect, or exploitation of a child, elderly person, or  
5 person with a disability and who also resides with the alleged  
6 perpetrator of that abuse, neglect, or exploitation if:

7 (i) the alleged perpetrator is the subject  
8 of the criminal history record information; and

9 (ii) the Department of Family and  
10 Protective Services or the Health and Human Services Commission, as  
11 applicable, determines that the release of information to the adult  
12 is necessary to ensure the safety or welfare of the alleged victim  
13 or the adult; or

14 (D) an elderly person or a person with a  
15 disability who is an alleged victim of abuse, neglect, or  
16 exploitation and who resides with the alleged perpetrator of that  
17 abuse, neglect, or exploitation if:

18 (i) the alleged perpetrator is the subject  
19 of the criminal history record information; and

20 (ii) the Department of Family and  
21 Protective Services or the Health and Human Services Commission, as  
22 applicable, determines that the release of information to the  
23 person is necessary to ensure the safety or welfare of the person.

24 SECTION 32. Section 411.114, Government Code, is amended by  
25 adding Subsection (d) to read as follows:

26 (d) The Department of Family and Protective Services and the  
27 Health and Human Services Commission, as applicable, shall destroy

1 criminal history record information that is obtained under this  
2 section after the information is used for its authorized purpose.

3 SECTION 33. Section 411.1142, Government Code, is amended  
4 by amending Subsections (a), (b), and (d) and adding Subsections  
5 (a-1) and (f) to read as follows:

6 (a) The Early Childhood Intervention program within the  
7 Health and Human Services Commission, as established by Chapter 73,  
8 Human Resources Code, is entitled to obtain criminal history record  
9 information as provided by Subsection (a-1) [~~maintained by the~~  
10 ~~Department of Public Safety, the Federal Bureau of Investigation~~  
11 ~~identification division, or another law enforcement agency~~] that  
12 relates to a person:

13 (1) who is an employee or an applicant for permanent,  
14 temporary, or consultative employment or for a volunteer position;  
15 and

16 (2) [~~positions~~] whose employment or potential  
17 employment or volunteer position with the program or a local  
18 provider involves the delivery of early childhood intervention  
19 services or involves direct interactions with or the opportunity to  
20 interact and associate with children.

21 (a-1) Subject to Section 411.087 and consistent with the  
22 public policy of this state, the Health and Human Services  
23 Commission is entitled to:

24 (1) obtain through the Federal Bureau of Investigation  
25 criminal history record information maintained or indexed by that  
26 bureau that pertains to a person who is described by Subsection (a);  
27 and

1           (2) obtain from the department or any other criminal  
2 justice agency in this state criminal history record information  
3 maintained by the department or that criminal justice agency that  
4 relates to a person described by Subsection (a).

5           (b) The Health and Human Services Commission may not release  
6 or disclose to any person criminal history record information  
7 obtained from the Federal Bureau of Investigation under Subsection  
8 (a-1)(1). Criminal history record information obtained by the  
9 Health and Human Services Commission under Subsection (a-1)(2)  
10 ~~[(a)]~~ may not be released or disclosed to any person except:

11           (1) on court order;

12           (2) [7] with the consent of the person who is the  
13 subject of the criminal history record information; [7] or

14           (3) as provided by Subsection (d).

15           (d) The Health and Human Services Commission may provide the  
16 applicant, employee, professional consultant, or volunteer with a  
17 copy of the person's criminal history record information obtained  
18 from the Department of Public Safety~~[, Federal Bureau of~~  
19 ~~Investigation identification division,]~~ or another law enforcement  
20 agency under Subsection (a-1)(2).

21           (f) The Health and Human Services Commission shall destroy  
22 criminal history record information that is obtained under this  
23 section after the information is used for its authorized purpose.

24           SECTION 34. Section 411.1143, Government Code, is amended  
25 to read as follows:

26           Sec. 411.1143. ACCESS TO CRIMINAL HISTORY RECORD  
27 INFORMATION; AGENCIES OPERATING PART OF MEDICAL ASSISTANCE

1 PROGRAM. (a) The Health and Human Services Commission, an agency  
2 operating part of the medical assistance program under Chapter 32,  
3 Human Resources Code, or the office of inspector general  
4 established under Chapter 531, Government Code, is entitled to  
5 obtain [~~from the department the~~] criminal history record  
6 information as provided by Subsection (a-2) [~~maintained by the~~  
7 ~~department~~] that relates to a provider under the medical assistance  
8 program or a person applying to enroll as a provider under the  
9 medical assistance program.

10 (a-1) Criminal history record information the Health and  
11 Human Services Commission [~~an agency~~] or the office of inspector  
12 general is authorized to obtain under Subsection (a) includes  
13 criminal history record information relating to:

14 (1) a person with a direct or indirect ownership or  
15 control interest, as defined by 42 C.F.R. Section 455.101, in a  
16 provider of five percent or more; and

17 (2) a person whose information is required to be  
18 disclosed in accordance with 42 C.F.R. Part 1001.

19 (a-2) Subject to Section 411.087 and consistent with the  
20 public policy of this state, the Health and Human Services  
21 Commission and the office of inspector general are entitled to:

22 (1) obtain through the Federal Bureau of Investigation  
23 criminal history record information maintained or indexed by that  
24 bureau that pertains to a person who is described by Subsection (a)  
25 or (a-1); and

26 (2) obtain from the department or any other criminal  
27 justice agency in this state criminal history record information

1 maintained by the department or that criminal justice agency that  
2 relates to a person described by Subsection (a) or (a-1).

3 (b) The Health and Human Services Commission or the office  
4 of inspector general, as applicable, may not release or disclose to  
5 any person criminal history record information obtained from the  
6 Federal Bureau of Investigation under Subsection (a-2)(1).  
7 Criminal history record information obtained by the Health and  
8 Human Services Commission or the office of inspector general  
9 [commission or an agency] under Subsection (a-2)(2) [(a)] may not  
10 be released or disclosed to any person except in a criminal  
11 proceeding, in an administrative proceeding, on court order, or  
12 with the consent of the provider or applicant.

13 (c) This section does not prohibit the Health and Human  
14 Services Commission or the office of inspector general from  
15 obtaining and using criminal history record information as provided  
16 by other law.

17 (d) The Health and Human Services Commission and the office  
18 of inspector general shall destroy criminal history record  
19 information obtained under this section after the information is  
20 used for its authorized purpose.

21 SECTION 35. Section 411.1144, Government Code, is amended  
22 to read as follows:

23 Sec. 411.1144. ACCESS TO CRIMINAL HISTORY RECORD  
24 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND [AGENCIES  
25 WITH] EMPLOYEES, CONTRACTORS, OR VOLUNTEERS AT STATE SUPPORTED  
26 LIVING CENTERS. (a) The [Department of State Health Services and  
27 the] Health and Human Services Commission is [are] entitled to

1 obtain [~~from the department~~] criminal history record information as  
2 provided by Subsection (d) [maintained by the department] that  
3 relates to a person:

4 (1) who is:

5 (A) an applicant for employment with the Health  
6 and Human Services Commission [agency];

7 (B) an employee of the Health and Human Services  
8 Commission [agency];

9 (C) a volunteer with the Health and Human  
10 Services Commission [agency];

11 (D) an applicant for a volunteer position with  
12 the Health and Human Services Commission [agency];

13 (E) an applicant for a contract with the Health  
14 and Human Services Commission [agency]; or

15 (F) a contractor of the Health and Human Services  
16 Commission [agency]; and

17 (2) who would be placed in direct contact with a  
18 resident or client of a state supported living center, as defined by  
19 Section 555.001, Health and Safety Code.

20 (b) The commission may not release or disclose to any person  
21 criminal history record information obtained from the Federal  
22 Bureau of Investigation under Subsection (d)(1). Criminal history  
23 record information obtained by the Health and Human Services  
24 Commission [an agency] under Subsection (d)(2) [-(a)] may not be  
25 released or disclosed to any person except:

26 (1) on court order;

27 (2) with the consent of the person who is the subject

1 of the criminal history record information;

2 (3) for purposes of an administrative hearing held by  
3 the agency concerning the person who is the subject of the criminal  
4 history record information; or

5 (4) as provided by Subsection (c).

6 (c) The Health and Human Services Commission is prohibited  
7 from releasing criminal history record information obtained under  
8 Subsection (d)(1) to the person who is the subject of the criminal  
9 history record information. The Health and Human Services  
10 Commission [~~An agency~~] is not prohibited from releasing criminal  
11 history record information obtained under Subsection (d)(2) [~~(a) or~~  
12 ~~(d)~~] to the person who is the subject of the criminal history record  
13 information.

14 (d) Subject to Section 411.087 and consistent with the  
15 public policy of this state, the [~~Department of State Health~~  
16 ~~Services and the~~] Health and Human Services Commission is [~~are~~]  
17 entitled to:

18 (1) obtain through the Federal Bureau of Investigation  
19 criminal history record information maintained or indexed by that  
20 bureau that pertains to a person described by Subsection (a); and

21 (2) obtain from the department or any other criminal  
22 justice agency in this state criminal history record information  
23 maintained by the department or that criminal justice agency that  
24 relates to a person described by Subsection (a).

25 (e) This section does not prohibit the Health and Human  
26 Services Commission [~~an agency~~] from obtaining and using criminal  
27 history record information as provided by other law.

1           (f) The Health and Human Services Commission shall destroy  
2 criminal history record information obtained under this section  
3 after the information is used for its authorized purpose.

4           SECTION 36. Section 411.115, Government Code, is amended by  
5 amending Subsections (b), (d), and (e) and adding Subsections (c)  
6 and (f) to read as follows:

7           (b) The Department of State Health Services, the Health and  
8 Human Services Commission, a local mental health or intellectual  
9 and developmental disability authority, or a community center, as  
10 applicable, is entitled to obtain [~~from the department~~] criminal  
11 history record information as provided by Subsection (c)  
12 [~~maintained by the department~~] that relates to a person:

13                   (1) who is:

14                           (A) an applicant for employment with the  
15 Department of State Health Services, the Health and Human Services  
16 Commission, a local mental health or intellectual and developmental  
17 disability authority, or a community center;

18                           (B) an employee of the Department of State Health  
19 Services, the Health and Human Services Commission, a local mental  
20 health or intellectual and developmental disability authority, or a  
21 community center;

22                           (C) an applicant for employment with or an  
23 employee of a business or person who [~~that~~] contracts with the  
24 Department of State Health Services, the Health and Human Services  
25 Commission, a local mental health or intellectual and developmental  
26 disability authority, or a community center to provide residential  
27 services to patients with mental illness or clients with an

1 intellectual or developmental disability who were furloughed or  
2 discharged from a Department of State Health Services facility, a  
3 Health and Human Services Commission facility, or a community  
4 center, as applicable;

5 (D) a volunteer with the Department of State  
6 Health Services, the Health and Human Services Commission, a local  
7 mental health or intellectual and developmental disability  
8 authority, or a community center; or

9 (E) a volunteer applicant; and

10 (2) who would be placed in direct contact with  
11 patients with mental illness or clients with an intellectual or  
12 developmental disability.

13 (c) Subject to Section 411.087 and consistent with the  
14 public policy of this state, the Department of State Health  
15 Services, the Health and Human Services Commission, a local mental  
16 health or intellectual and developmental disability authority, or a  
17 community center, as applicable, is entitled to:

18 (1) obtain through the Federal Bureau of Investigation  
19 criminal history record information maintained or indexed by that  
20 bureau that pertains to a person who is described by Subsection (b);  
21 and

22 (2) obtain from the department or any other criminal  
23 justice agency in this state criminal history record information  
24 maintained by the department or that criminal justice agency that  
25 relates to a person described by Subsection (b).

26 (d) The Department of State Health Services, the Health and  
27 Human Services Commission, a local mental health or intellectual

1 and developmental disability authority, or a community center, as  
2 applicable, may not release or disclose to any person criminal  
3 history record information obtained from the Federal Bureau of  
4 Investigation under Subsection (c)(1). Criminal history record  
5 information obtained by the Department of State Health Services,  
6 the Health and Human Services Commission, a local mental health or  
7 intellectual and developmental disability authority, or a  
8 community center, as applicable, under Subsection (c)(2) [~~(b)~~] may  
9 not be released or disclosed to a person, other than the contractor  
10 that employs the person who is the subject of the criminal history  
11 record information, except on court order or with the consent of the  
12 person who is the subject of the criminal history record  
13 information.

14 (e) The Department of State Health Services, the Health and  
15 Human Services Commission, a local mental health or intellectual  
16 and developmental disability authority, or a community center, as  
17 applicable, shall [~~collect and~~] destroy criminal history record  
18 information obtained under this section after the information is  
19 used for its authorized purpose [~~that relates to a person~~  
20 ~~immediately after making an employment decision or taking a~~  
21 ~~personnel action relating to the person who is the subject of the~~  
22 ~~criminal history record information~~].

23 (f) This section does not prohibit the Department of State  
24 Health Services, the Health and Human Services Commission, a local  
25 mental health or intellectual and developmental disability  
26 authority, or a community center, as applicable, from obtaining and  
27 using criminal history record information as provided by other law.

1 SECTION 37. Subchapter F, Chapter 411, Government Code, is  
2 amended by adding Section 411.1161 to read as follows:

3 Sec. 411.1161. ACCESS TO CRIMINAL HISTORY RECORD  
4 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND NURSE AIDE  
5 CERTIFICATION, MEDICATION AIDE PERMIT, AND NURSING FACILITY  
6 ADMINISTRATOR LICENSE. (a) The Health and Human Services  
7 Commission is entitled to obtain criminal history record  
8 information as provided by Subsection (b) that relates to a person  
9 who is an initial or renewal applicant for:

10 (1) a nurse aide certification with inclusion in the  
11 nurse aide registry established under Chapter 250, Health and  
12 Safety Code;

13 (2) a medication aide permit issued under Chapter 142,  
14 Health and Safety Code; or

15 (3) a nursing facility administrator license issued  
16 under Chapter 242, Health and Safety Code.

17 (b) Subject to Section 411.087 and consistent with the  
18 public policy of this state, the Health and Human Services  
19 Commission is entitled to:

20 (1) obtain through the Federal Bureau of Investigation  
21 criminal history record information maintained or indexed by that  
22 bureau that pertains to a person described by Subsection (a); and

23 (2) obtain from the department or any other criminal  
24 justice agency in this state criminal history record information  
25 maintained by the department or that criminal justice agency that  
26 relates to a person described by Subsection (a).

27 (c) The Health and Human Services Commission may not release

1 or disclose to any person criminal history record information  
2 obtained from the Federal Bureau of Investigation under Subsection  
3 (b)(1). Criminal history record information obtained by the Health  
4 and Human Services Commission under Subsection (b)(2) may not be  
5 released or disclosed to any person except:

6 (1) on court order;

7 (2) with the consent of the person who is the subject  
8 of the criminal history record information;

9 (3) for purposes of an administrative hearing held by  
10 the Health and Human Services Commission concerning the person who  
11 is the subject of the criminal history record information; or

12 (4) as provided by Subsection (d).

13 (d) The Health and Human Services Commission is not  
14 prohibited from releasing criminal history record information  
15 obtained under Subsection (b)(2) to the person who is the subject of  
16 the criminal history record information.

17 (e) This section does not prohibit the Health and Human  
18 Services Commission from obtaining and using criminal history  
19 record information as provided by other law.

20 (f) The Health and Human Services Commission shall destroy  
21 criminal history record information that is obtained under this  
22 section after the information is used for its authorized purpose.

23 SECTION 38. Section 411.122(d), Government Code, as amended  
24 by Chapters 684 (S.B. 2200), 768 (H.B. 1501), and 1232 (H.B. 1523),  
25 Acts of the 86th Legislature, Regular Session, 2019, is reenacted  
26 and amended to read as follows:

27 (d) The following state agencies are subject to this

- 1 section:
- 2 (1) Texas Appraiser Licensing and Certification  
3 Board;
- 4 (2) Texas Board of Architectural Examiners;
- 5 (3) Texas Board of Chiropractic Examiners;
- 6 (4) State Board of Dental Examiners;
- 7 (5) Texas Board of Professional Engineers and Land  
8 Surveyors;
- 9 (6) Texas Funeral Service Commission;
- 10 (7) Texas Board of Professional Geoscientists;
- 11 (8) Health and Human Services Commission, except as  
12 provided by Section 411.110, and agencies attached to the  
13 commission;
- 14 (9) Texas Department of Licensing and Regulation[  
15 ~~except as provided by Section 411.093~~];
- 16 (10) Texas Commission on Environmental Quality;
- 17 (11) Executive Council [~~Texas Board~~] of Physical  
18 Therapy and Occupational Therapy Examiners;
- 19 (12) Texas Optometry Board;
- 20 (13) Texas State Board of Pharmacy;
- 21 (14) [~~Texas Board of Physical Therapy Examiners~~;  
22 [~~(15)~~] Texas State Board of Plumbing Examiners;
- 23 (15) [~~(16)~~] Texas State Board of Examiners of  
24 Psychologists;
- 25 (16) [~~(17)~~] Texas Real Estate Commission;
- 26 (17) [~~(18)~~] Texas Department of Transportation;
- 27 (18) [~~(19)~~] State Board of Veterinary Medical

1 Examiners;

2           (19) [~~(20)~~] Texas Department of Housing and Community  
3 Affairs;

4           (20) [~~(21)~~] secretary of state;

5           (21) [~~(22)~~] state fire marshal;

6           (22) [~~(23)~~] Texas Education Agency;

7           (23) [~~(24)~~] Department of Agriculture; and

8           (24) [~~(25)~~] Texas Department of Motor Vehicles.

9           SECTION 39. Section 411.125, Government Code, is amended to  
10 read as follows:

11           Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD  
12 INFORMATION: TEXAS BOARD OF NURSING. (a) The Texas Board of  
13 Nursing is entitled to obtain [~~from the department~~] criminal  
14 history record information as provided by Subsection (b)  
15 [~~maintained by the department~~] that relates to a person who:

16                   (1) is an applicant for vocational, registered, or  
17 advanced practice registered nurse licensure, or the holder of a  
18 license issued by the board;

19                   (2) has requested a determination of eligibility for a  
20 license from the board; [~~or~~]

21                   (3) is subject to investigation by the board in  
22 connection with a complaint or formal charge against the person; or

23                   (4) is accepted for enrollment in a nursing education  
24 program that prepares the person for licensure as a vocational,  
25 registered, or advanced practice registered nurse.

26           (b) Subject to Section 411.087 and consistent with the  
27 public policy of this state, the Texas Board of Nursing is entitled

1 to:

2 (1) obtain through the Federal Bureau of Investigation  
3 criminal history record information maintained or indexed by that  
4 bureau that pertains to a person described by Subsection (a); and

5 (2) obtain from the department or any other criminal  
6 justice agency in this state criminal history record information  
7 maintained by the department or that criminal justice agency that  
8 relates to a person described by Subsection (a).

9 (c) The Texas Board of Nursing may not release or disclose  
10 to any person criminal history record information obtained from the  
11 Federal Bureau of Investigation under Subsection (b)(1). Criminal  
12 history record information obtained by the Texas Board of Nursing  
13 under Subsection (b)(2) may not be released or disclosed to any  
14 person except:

15 (1) as required under a court order;

16 (2) to a nursing board that is a member of the nurse  
17 licensure compact under Chapter 304, Occupations Code;

18 (3) with the written consent of the person who is the  
19 subject of the criminal history record information; or

20 (4) as provided by Subsection (d).

21 (d) The Texas Board of Nursing is not prohibited from  
22 disclosing criminal history record information obtained under  
23 Subsection (b)(2) in a criminal proceeding, in a contested case  
24 proceeding conducted by the State Office of Administrative  
25 Hearings, or as part of an appeal of a contested case proceeding.

26 (e) Criminal history record information obtained by the  
27 Texas Board of Nursing shall be destroyed by the agency after a

1 final determination is made and all appeals are concluded in the  
2 matter for which the information was obtained.

3 SECTION 40. Subchapter F, Chapter 411, Government Code, is  
4 amended by adding Section 411.12501 to read as follows:

5 Sec. 411.12501. ACCESS TO CRIMINAL HISTORY RECORD  
6 INFORMATION OF FEDERAL BUREAU OF INVESTIGATION: TEXAS ALCOHOLIC  
7 BEVERAGE COMMISSION. (a) Subject to Section 411.087 and Public Law  
8 92-544, the Texas Alcoholic Beverage Commission is authorized to  
9 obtain and use criminal history record information maintained or  
10 indexed by the Federal Bureau of Investigation that relates to a  
11 person who is an applicant for or holds a license, permit, or  
12 certificate under the Texas Alcoholic Beverage Code.

13 (b) This section does not limit the commission's ability to  
14 obtain criminal history record information for criminal justice  
15 purposes or as authorized by other law.

16 (c) The commission may require any person for whom the  
17 commission is authorized to obtain and use criminal history record  
18 information under Subsection (a) to submit a complete and legible  
19 set of fingerprints to the commission on a form prescribed by the  
20 commission for the purpose of obtaining criminal history record  
21 information.

22 SECTION 41. Subchapter F, Chapter 411, Government Code, is  
23 amended by adding Section 411.12502 to read as follows:

24 Sec. 411.12502. ACCESS TO CRIMINAL HISTORY RECORD  
25 INFORMATION: TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. (a) The  
26 Texas Behavioral Health Executive Council is entitled to obtain  
27 criminal history record information as provided by Subsection (b)

1 that relates to a person who is an applicant for or licensed as:

2 (1) a licensed psychologist, licensed psychological  
3 associate, or licensed specialist in school psychology under  
4 Chapter 501, Occupations Code;

5 (2) a licensed marriage and family therapist or  
6 licensed marriage and family therapist associate under Chapter 502,  
7 Occupations Code;

8 (3) a licensed professional counselor or licensed  
9 professional counselor associate under Chapter 503, Occupations  
10 Code; or

11 (4) a licensed baccalaureate social worker, licensed  
12 master social worker, or licensed clinical social worker under  
13 Chapter 505, Occupations Code.

14 (b) Subject to Section 411.087 and consistent with the  
15 public policy of this state, the Texas Behavioral Health Executive  
16 Council is entitled to:

17 (1) obtain through the Federal Bureau of Investigation  
18 criminal history record information maintained or indexed by that  
19 bureau that pertains to a person described by Subsection (a); and

20 (2) obtain from the department or any other criminal  
21 justice agency in this state criminal history record information  
22 maintained by the department or that criminal justice agency that  
23 relates to a person described by Subsection (a).

24 (c) The Texas Behavioral Health Executive Council may not  
25 release or disclose to any person criminal history record  
26 information obtained from the Federal Bureau of Investigation under  
27 Subsection (b)(1). Criminal history record information obtained by

1 the executive council under Subsection (b)(2) may not be released  
2 or disclosed to any person except on court order, with the written  
3 consent of the person who is the subject of the criminal history  
4 record information, or as provided by Subsection (d).

5 (d) The Texas Behavioral Health Executive Council is not  
6 prohibited from disclosing criminal history record information  
7 obtained under Subsection (b)(2) in a criminal proceeding or in a  
8 hearing conducted by the executive council or the State Office of  
9 Administrative Hearings.

10 (e) The Texas Behavioral Health Executive Council shall  
11 destroy criminal history record information that is obtained under  
12 this section after the information is used for its authorized  
13 purpose.

14 SECTION 42. Subchapter F, Chapter 411, Government Code, is  
15 amended by adding Section 411.12503 to read as follows:

16 Sec. 411.12503. ACCESS TO CRIMINAL HISTORY RECORD  
17 INFORMATION: TEXAS BOARD OF CHIROPRACTIC EXAMINERS. (a) The Texas  
18 Board of Chiropractic Examiners is entitled to obtain criminal  
19 history record information as provided by Subsection (b) that  
20 relates to:

21 (1) a person who is an applicant for a license or  
22 registration under Chapter 201, Occupations Code; or

23 (2) the holder of a license or registration under  
24 Chapter 201, Occupations Code.

25 (b) Subject to Section 411.087 and consistent with the  
26 public policy of this state, the Texas Board of Chiropractic  
27 Examiners is entitled to:

1           (1) obtain through the Federal Bureau of Investigation  
2 criminal history record information maintained or indexed by that  
3 bureau that pertains to a person described by Subsection (a); and

4           (2) obtain from the department or any other criminal  
5 justice agency in this state criminal history record information  
6 maintained by the department or that criminal justice agency that  
7 relates to a person described by Subsection (a).

8           (c) The Texas Board of Chiropractic Examiners may not  
9 release or disclose to any person criminal history record  
10 information obtained from the Federal Bureau of Investigation under  
11 Subsection (b)(1). Criminal history record information obtained by  
12 the Texas Board of Chiropractic Examiners under Subsection (b)(2)  
13 may not be released or disclosed to any person except on court  
14 order, with the written consent of the person who is the subject of  
15 the criminal history record information, or as provided by  
16 Subsection (d).

17           (d) The Texas Board of Chiropractic Examiners is not  
18 prohibited from disclosing criminal history record information  
19 obtained under Subsection (b)(2) in a criminal proceeding or in a  
20 hearing conducted under the authority of the Texas Board of  
21 Chiropractic Examiners.

22           (e) The Texas Board of Chiropractic Examiners shall destroy  
23 criminal history record information that is obtained under this  
24 section after the information is used for its authorized purpose.

25           SECTION 43. Subchapter F, Chapter 411, Government Code, is  
26 amended by adding Section 411.12504 to read as follows:

27           Sec. 411.12504. ACCESS TO CRIMINAL HISTORY RECORD

1 INFORMATION: STATE BOARD OF DENTAL EXAMINERS. (a) The State Board  
2 of Dental Examiners is entitled to obtain criminal history record  
3 information as provided by Subsection (b) that relates to a person  
4 who:

5 (1) is an applicant for a license, certificate,  
6 registration, permit, or other authorization under Subtitle D,  
7 Title 3, Occupations Code;

8 (2) is the holder of a license, certificate,  
9 registration, permit, or other authorization under that subtitle;

10 (3) requests a determination of eligibility for a  
11 license, certificate, registration, permit, or other authorization  
12 from the State Board of Dental Examiners; or

13 (4) is an applicant for employment at or current  
14 employee of the State Board of Dental Examiners.

15 (b) Subject to Section 411.087 and consistent with the  
16 public policy of this state, the State Board of Dental Examiners is  
17 entitled to:

18 (1) obtain through the Federal Bureau of Investigation  
19 criminal history record information maintained or indexed by that  
20 bureau that pertains to a person described by Subsection (a); and

21 (2) obtain from the department or any other criminal  
22 justice agency in this state criminal history record information  
23 maintained by the department or that criminal justice agency that  
24 relates to a person described by Subsection (a).

25 (c) The State Board of Dental Examiners may not release or  
26 disclose to any person criminal history record information obtained  
27 from the Federal Bureau of Investigation under Subsection (b)(1).

1 Criminal history record information obtained by the State Board of  
2 Dental Examiners under Subsection (b)(2) may not be released or  
3 disclosed to any person except on court order, with the written  
4 consent of the person who is the subject of the criminal history  
5 record information, or as provided by Subsection (d).

6 (d) The State Board of Dental Examiners is not prohibited  
7 from disclosing criminal history record information obtained under  
8 Subsection (b)(2) in a criminal proceeding or in a hearing  
9 conducted by the State Board of Dental Examiners or the State Office  
10 of Administrative Hearings.

11 (e) The State Board of Dental Examiners shall destroy  
12 criminal history record information obtained under this section  
13 after a final determination is made in the matter for which the  
14 information was obtained.

15 SECTION 44. Subchapter F, Chapter 411, Government Code, is  
16 amended by adding Section 411.12505 to read as follows:

17 Sec. 411.12505. ACCESS TO CRIMINAL HISTORY RECORD  
18 INFORMATION: QUALIFIED SCHOOL CONTRACTORS. (a) In this section,  
19 "qualified school contractor" means an entity that:

20 (1) contracts or subcontracts to provide services to a  
21 school district, charter school, or shared services arrangement;  
22 and

23 (2) is determined eligible by the department to obtain  
24 criminal history record information under the National Child  
25 Protection Act of 1993 (34 U.S.C. Section 40101 et seq.) for an  
26 employee, applicant for employment, or volunteer of the qualified  
27 school contractor.

1           (b) A qualified school contractor is entitled to obtain from  
2 the department or any other criminal justice agency in this state  
3 criminal history record information maintained by the department or  
4 that criminal justice agency that relates to a person described by  
5 Subsection (a)(2).

6           (c) Criminal history record information obtained by a  
7 qualified school contractor under Subsection (b) in the original  
8 form or any subsequent form:

9                   (1) may not be released to any person except:

10                           (A) to the person who is the subject of the  
11 information;

12                           (B) with the consent of the person who is the  
13 subject of the information;

14                           (C) by court order; or

15                           (D) except as provided by Subsection (d); and

16                   (2) is not subject to disclosure as provided by  
17 Chapter 552.

18           (d) A qualified school contractor may provide a fitness  
19 determination based on criminal history record information  
20 obtained under this section to a school district, charter school,  
21 or shared services arrangement.

22           (e) A qualified school contractor shall destroy criminal  
23 history record information that is obtained under this section  
24 after the information is used for its authorized purpose.

25           (f) The department in coordination with the commissioner of  
26 education may adopt rules necessary to implement this section.

27           SECTION 45. Subchapter F, Chapter 411, Government Code, is

1 amended by adding Section 411.12506 to read as follows:

2 Sec. 411.12506. ACCESS TO CRIMINAL HISTORY RECORD  
3 INFORMATION: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. (a) The  
4 Texas Commission on Environmental Quality is entitled to obtain  
5 criminal history record information as provided by Subsection (b)  
6 that relates to a person who:

7 (1) is an applicant for a license, permit, or  
8 registration under:

9 (A) Chapters 341, 361, and 366, Health and Safety  
10 Code;

11 (B) Chapter 1903, Occupations Code; or

12 (C) Chapters 26 and 37, Water Code;

13 (2) is the holder of a license, permit, or  
14 registration under a provision listed in Subdivision (1); or

15 (3) requests a determination of eligibility for a  
16 license, permit, or registration from the agency under a provision  
17 listed in Subdivision (1).

18 (b) Subject to Section 411.087 and consistent with the  
19 public policy of this state, the Texas Commission on Environmental  
20 Quality is entitled to:

21 (1) obtain through the Federal Bureau of Investigation  
22 criminal history record information maintained or indexed by that  
23 bureau that pertains to a person described by Subsection (a); and

24 (2) obtain from the department or any other criminal  
25 justice agency in this state criminal history record information  
26 maintained by the department or that criminal justice agency that  
27 relates to a person described by Subsection (a).

1           (c) The Texas Commission on Environmental Quality may not  
2 release or disclose to any person criminal history record  
3 information obtained from the Federal Bureau of Investigation under  
4 Subsection (b)(1). Criminal history record information obtained by  
5 the Texas Commission on Environmental Quality under Subsection  
6 (b)(2) may not be released or disclosed to any person except on  
7 court order, with the written consent of the person who is the  
8 subject of the criminal history record information, or as provided  
9 by Subsection (d).

10           (d) The Texas Commission on Environmental Quality is not  
11 prohibited from disclosing criminal history record information  
12 obtained under Subsection (b)(2) in a criminal proceeding or in an  
13 administrative proceeding conducted by the Texas Commission on  
14 Environmental Quality or the State Office of Administrative  
15 Hearings.

16           (e) The Texas Commission on Environmental Quality shall  
17 destroy criminal history record information that is obtained under  
18 this section after the information is used for its authorized  
19 purpose.

20           SECTION 46. Subchapter F, Chapter 411, Government Code, is  
21 amended by adding Section 411.12507 to read as follows:

22           Sec. 411.12507. ACCESS TO CRIMINAL HISTORY RECORD  
23 INFORMATION: TEXAS FUNERAL SERVICE COMMISSION. (a) The Texas  
24 Funeral Service Commission is entitled to obtain criminal history  
25 record information as provided by Subsection (b) that relates to:

26                   (1) a person who is:

27                           (A) an applicant for a license or certificate

1 under Sections 651.259 and 651.302, Occupations Code; or  
2 (B) the holder of a license or certificate under  
3 Chapter 651, Occupations Code;  
4 (2) an applicant for a license or a license holder  
5 under Chapter 651, Occupations Code;  
6 (3) an applicant for employment at or current employee  
7 of the Texas Funeral Service Commission; or  
8 (4) a person authorized to access vital records or the  
9 vital records electronic registration system under Chapter 191,  
10 Health and Safety Code, or a funeral director.  
11 (b) Subject to Section 411.087 and consistent with the  
12 public policy of this state, the Texas Funeral Service Commission  
13 is entitled to:  
14 (1) obtain through the Federal Bureau of Investigation  
15 criminal history record information maintained or indexed by that  
16 bureau that pertains to a person described by Subsection (a); and  
17 (2) obtain from the department or any other criminal  
18 justice agency in this state criminal history record information  
19 maintained by the department or that criminal justice agency that  
20 relates to a person described by Subsection (a).  
21 (c) The Texas Funeral Service Commission may not release or  
22 disclose to any person criminal history record information obtained  
23 from the Federal Bureau of Investigation under Subsection (b)(1).  
24 Criminal history record information obtained by the Texas Funeral  
25 Service Commission under Subsection (b)(2) may not be released or  
26 disclosed to any person except on court order, with the written  
27 consent of the person who is the subject of the criminal history

1 record information, or as provided by Subsection (d).

2 (d) The Texas Funeral Service Commission is not prohibited  
3 from disclosing criminal history record information obtained under  
4 Subsection (b)(2) in a criminal proceeding or in a hearing  
5 conducted by the Texas Funeral Service Commission.

6 (e) The Texas Funeral Service Commission may not consider  
7 offenses described by Section 542.304, Transportation Code, to  
8 determine whether to hire or retain an employee or to contract with  
9 a person on whom criminal history record information is obtained  
10 under this section.

11 (f) The Texas Funeral Service Commission shall destroy  
12 criminal history record information that is obtained under this  
13 section after the information is used for its authorized purpose.

14 SECTION 47. Subchapter F, Chapter 411, Government Code, is  
15 amended by adding Section 411.12508 to read as follows:

16 Sec. 411.12508. ACCESS TO CRIMINAL HISTORY RECORD  
17 INFORMATION: MANUFACTURED HOUSING DIVISION. (a) The manufactured  
18 housing division of the Texas Department of Housing and Community  
19 Affairs is entitled to obtain criminal history record information  
20 as provided by Subsection (b) that relates to a person who is:

21 (1) an applicant for or holder of a license under  
22 Chapter 1201, Occupations Code; or

23 (2) an owner, officer, or related person or manager of  
24 a person described by Subdivision (1).

25 (b) Subject to Section 411.087 of this code and Chapter  
26 1201, Occupations Code, and consistent with the public policy of  
27 this state, the manufactured housing division is entitled to:

1           (1) obtain through the Federal Bureau of Investigation  
2 criminal history record information maintained or indexed by that  
3 bureau that pertains to a person described by Subsection (a); and

4           (2) obtain from the department or any other criminal  
5 justice agency in this state criminal history record information  
6 maintained by the department or that criminal justice agency that  
7 relates to a person described by Subsection (a).

8           (c) The manufactured housing division may not release or  
9 disclose to any person criminal history record information obtained  
10 from the Federal Bureau of Investigation under Subsection (b)(1).  
11 Criminal history record information obtained by the manufactured  
12 housing division under Subsection (b)(2) may not be released or  
13 disclosed to any person except on court order, with the written  
14 consent of the person who is the subject of the criminal history  
15 record information, or as provided by Subsection (d).

16           (d) The manufactured housing division is not prohibited  
17 from disclosing criminal history record information obtained under  
18 Subsection (b)(2) in a criminal proceeding or in a hearing  
19 conducted by the manufactured housing division. Certified public  
20 documents that contain criminal history record information  
21 described by Subsection (b)(2) but that the division does not  
22 obtain under that subdivision may be used in a criminal or civil  
23 proceeding or in a hearing conducted by the manufactured housing  
24 division.

25           (e) The manufactured housing division shall destroy  
26 criminal history record information that is obtained under this  
27 section after the information is used for its authorized purpose.

1 SECTION 48. Subchapter F, Chapter 411, Government Code, is  
2 amended by adding Section 411.12509 to read as follows:

3 Sec. 411.12509. ACCESS TO CRIMINAL HISTORY RECORD  
4 INFORMATION: STATE FIRE MARSHAL. (a) The state fire marshal is  
5 entitled to obtain criminal history record information as provided  
6 by Subsection (b) that relates to a person who is an applicant for a  
7 license issued by the state fire marshal.

8 (b) Subject to Section 411.087 and consistent with the  
9 public policy of this state, the state fire marshal is entitled to:

10 (1) obtain through the Federal Bureau of Investigation  
11 criminal history record information maintained or indexed by that  
12 bureau that pertains to a person described by Subsection (a); and

13 (2) obtain from the department or any other criminal  
14 justice agency in this state criminal history record information  
15 maintained by the department or that criminal justice agency that  
16 relates to a person described by Subsection (a).

17 (c) The state fire marshal may not release or disclose to  
18 any person criminal history record information obtained from the  
19 Federal Bureau of Investigation under Subsection (b)(1). Criminal  
20 history record information obtained by the state fire marshal under  
21 Subsection (b)(2) may not be disclosed or released to any person  
22 except on court order, with the written consent of the person who is  
23 the subject of the criminal history record information, or as  
24 provided by Subsection (d).

25 (d) The state fire marshal is not prohibited from disclosing  
26 criminal history record information obtained under Subsection  
27 (b)(2) in a criminal proceeding or in a hearing conducted by the

1 state fire marshal.

2 (e) The state fire marshal shall destroy criminal history  
3 record information that is obtained under this section after the  
4 information is used for its authorized purpose.

5 SECTION 49. Subchapter F, Chapter 411, Government Code, is  
6 amended by adding Section 411.12510 to read as follows:

7 Sec. 411.12510. ACCESS TO CRIMINAL HISTORY RECORD  
8 INFORMATION: TEXAS MEDICAL BOARD. (a) The Texas Medical Board is  
9 entitled to obtain criminal history record information as provided  
10 by Subsection (b) that relates to a person who is:

11 (1) an applicant for or holder of a license to practice  
12 medicine;

13 (2) an applicant for or holder of a license to practice  
14 as a physician assistant;

15 (3) an applicant for or holder of a license to practice  
16 as an acupuncturist;

17 (4) an applicant for or holder of a certificate to  
18 practice as an acudetox specialist;

19 (5) an applicant for or holder of a license to practice  
20 as a surgical assistant;

21 (6) an applicant for or holder of a general  
22 certificate to perform radiologic procedures, limited certificate  
23 to perform radiologic procedures only on specific parts of the  
24 body, or radiologist assistant certificate;

25 (7) an applicant for or holder of a placement on the  
26 registry of noncertified technicians;

27 (8) an employee of an applicant for a hardship

1 exemption;

2 (9) an applicant for or holder of a license to practice  
3 as a medical physicist;

4 (10) an applicant for or holder of a license to  
5 practice as a perfusionist;

6 (11) an applicant for or holder of a license to  
7 practice as a respiratory care practitioner; and

8 (12) an applicant for or holder of a pain management  
9 clinic certificate.

10 (b) Subject to Section 411.087 and consistent with the  
11 public policy of this state, the Texas Medical Board is entitled to:

12 (1) obtain through the Federal Bureau of Investigation  
13 criminal history record information maintained or indexed by that  
14 bureau that pertains to a person described by Subsection (a); and

15 (2) obtain from the department or any other criminal  
16 justice agency in this state criminal history record information  
17 maintained by the department or that criminal justice agency that  
18 relates to a person described by Subsection (a).

19 (c) The Texas Medical Board may not release or disclose to  
20 any person criminal history record information obtained from the  
21 Federal Bureau of Investigation under Subsection (b)(1). Criminal  
22 history record information obtained by the Texas Medical Board  
23 under Subsection (b)(2) may not be released or disclosed to any  
24 person, except as provided by Subsection (d).

25 (d) The Texas Medical Board is not prohibited from  
26 disclosing criminal history record information obtained under  
27 Subsection (b)(2) in a hearing conducted by the Texas Medical Board

1 or its advisory boards.

2 (e) The Texas Medical Board shall destroy criminal history  
3 record information that is obtained under this section after the  
4 information is used for its authorized purpose.

5 SECTION 50. Subchapter F, Chapter 411, Government Code, is  
6 amended by adding Section 411.12511 to read as follows:

7 Sec. 411.12511. ACCESS TO CRIMINAL HISTORY RECORD  
8 INFORMATION: TEXAS DEPARTMENT OF MOTOR VEHICLES. (a) The Texas  
9 Department of Motor Vehicles is entitled to obtain criminal history  
10 record information as provided by Subsection (b) that relates to a  
11 person:

12 (1) who is an applicant for or holds a general  
13 distinguishing number under Chapter 503, Transportation Code;

14 (2) who is an applicant for or holds a license under  
15 Chapter 2301 or 2302, Occupations Code; or

16 (3) who is an officer, director, member, manager,  
17 principal, partner, trustee, or other person acting in a  
18 representative capacity for an applicant, general distinguishing  
19 number holder, or license holder and whose act or omission would be  
20 cause for denying, revoking, or suspending a general distinguishing  
21 number or license issued under Chapter 503, Transportation Code, or  
22 Chapter 2301 or 2302, Occupations Code.

23 (b) Subject to Section 411.087 and consistent with the  
24 public policy of this state, the Texas Department of Motor Vehicles  
25 is entitled to:

26 (1) obtain through the Federal Bureau of Investigation  
27 criminal history record information maintained or indexed by that

1 bureau that pertains to a person described by Subsection (a); and  
2 (2) obtain from the department or any other criminal  
3 justice agency in this state criminal history record information  
4 maintained by the department or that criminal justice agency that  
5 relates to a person described by Subsection (a).

6 (c) The Texas Department of Motor Vehicles may not release  
7 or disclose to any person criminal history record information  
8 obtained from the Federal Bureau of Investigation under Subsection  
9 (b)(1). Criminal history record information obtained by the Texas  
10 Department of Motor Vehicles under Subsection (b)(2) may not be  
11 released or disclosed to any person except on court order, with the  
12 written consent of the person who is the subject of the criminal  
13 history record information, or as provided by Subsection (d).

14 (d) The Texas Department of Motor Vehicles is not prohibited  
15 from disclosing criminal history record information obtained under  
16 Subsection (b)(2) in a criminal proceeding or in a hearing in which  
17 the Texas Department of Motor Vehicles is a party.

18 (e) The Texas Department of Motor Vehicles shall destroy  
19 criminal history record information that is obtained under this  
20 section after the information is used for its authorized purpose.

21 SECTION 51. Subchapter F, Chapter 411, Government Code, is  
22 amended by adding Section 411.12512 to read as follows:

23 Sec. 411.12512. ACCESS TO CRIMINAL HISTORY RECORD  
24 INFORMATION: TEXAS OPTOMETRY BOARD. (a) The Texas Optometry Board  
25 is entitled to obtain criminal history record information as  
26 provided by Subsection (b) that relates to a person who is:

27 (1) an applicant for a license under Section 351.251,

1 Occupations Code; or

2 (2) the holder of a license under Section 351.302,  
3 Occupations Code.

4 (b) Subject to Section 411.087 of this code and Sections  
5 351.2525 and 351.3045, Occupations Code, and consistent with the  
6 public policy of this state, the Texas Optometry Board is entitled  
7 to:

8 (1) obtain through the Federal Bureau of Investigation  
9 criminal history record information maintained or indexed by that  
10 bureau that pertains to a person described by Subsection (a); and

11 (2) obtain from the department or any other criminal  
12 justice agency in this state criminal history record information  
13 maintained by the department or that criminal justice agency that  
14 relates to a person described by Subsection (a).

15 (c) The Texas Optometry Board may not release or disclose to  
16 any person criminal history record information obtained from the  
17 Federal Bureau of Investigation under Subsection (b)(1). Criminal  
18 history record information obtained by the Texas Optometry Board  
19 under Subsection (b)(2) may not be released or disclosed to any  
20 person except on court order, with the written consent of the person  
21 who is the subject of the criminal history record information, or as  
22 provided by Subsection (d).

23 (d) The Texas Optometry Board is not prohibited from  
24 disclosing criminal history record information obtained under  
25 Subsection (b)(2) in a criminal proceeding or in a hearing  
26 conducted by the Texas Optometry Board.

27 (e) The Texas Optometry Board shall destroy criminal

1 history record information that is obtained under this section  
2 after the information is used for its authorized purpose.

3 SECTION 52. Subchapter F, Chapter 411, Government Code, is  
4 amended by adding Section 411.12513 to read as follows:

5 Sec. 411.12513. ACCESS TO CRIMINAL HISTORY RECORD  
6 INFORMATION: EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND  
7 OCCUPATIONAL THERAPY EXAMINERS. (a) The Executive Council of  
8 Physical Therapy and Occupational Therapy Examiners is entitled to  
9 obtain criminal history record information as provided by  
10 Subsection (b) that relates to a person who is:

11 (1) an applicant for or the holder of a physical  
12 therapist or physical therapist assistant license under Chapter  
13 453, Occupations Code; or

14 (2) an applicant for or the holder of an occupational  
15 therapist or occupational therapy assistant license under Chapter  
16 454, Occupations Code.

17 (b) Subject to Section 411.087 and consistent with the  
18 public policy of this state, the Executive Council of Physical  
19 Therapy and Occupational Therapy Examiners is entitled to:

20 (1) obtain through the Federal Bureau of Investigation  
21 criminal history record information maintained or indexed by that  
22 bureau that pertains to a person described by Subsection (a); and

23 (2) obtain from the department or any other criminal  
24 justice agency in this state criminal history record information  
25 maintained by the department or that criminal justice agency that  
26 relates to a person described by Subsection (a).

27 (c) The Executive Council of Physical Therapy and

1 Occupational Therapy Examiners may not release or disclose to any  
2 person criminal history record information obtained from the  
3 Federal Bureau of Investigation under Subsection (b)(1). Criminal  
4 history record information obtained by the Executive Council of  
5 Physical Therapy and Occupational Therapy Examiners under  
6 Subsection (b)(2) may not be released or disclosed to any person  
7 except on court order, with the written consent of the person who is  
8 the subject of the criminal history record information, or as  
9 provided by Subsection (d).

10 (d) The Executive Council of Physical Therapy and  
11 Occupational Therapy Examiners is not prohibited from disclosing  
12 criminal history record information obtained under Subsection  
13 (b)(2) in a criminal proceeding or in a hearing conducted by the  
14 Executive Council of Physical Therapy and Occupational Therapy  
15 Examiners.

16 (e) The Executive Council of Physical Therapy and  
17 Occupational Therapy Examiners shall destroy criminal history  
18 record information that is obtained under this section after the  
19 information is used for its authorized purpose.

20 SECTION 53. Subchapter F, Chapter 411, Government Code, is  
21 amended by adding Section 411.12514 to read as follows:

22 Sec. 411.12514. ACCESS TO CRIMINAL HISTORY RECORD  
23 INFORMATION: TEXAS STATE BOARD OF PLUMBING EXAMINERS. (a) The  
24 Texas State Board of Plumbing Examiners is entitled to obtain  
25 criminal history record information as provided by Subsection (b)  
26 that relates to an applicant for a license, registration,  
27 endorsement, or certificate under Chapter 1301, Occupations Code,

1 including a license, registration, endorsement, or certificate, as  
2 applicable, for any of the following functions: master plumber,  
3 journeyman plumber, plumbing inspector, tradesman-plumber limited,  
4 plumber's apprentice, multipurpose residential fire protection  
5 sprinkler specialist, water supply protection specialist, and  
6 medical gas piping installation.

7 (b) Subject to Section 411.087 and consistent with the  
8 public policy of this state, the Texas State Board of Plumbing  
9 Examiners is entitled to:

10 (1) obtain through the Federal Bureau of Investigation  
11 criminal history record information maintained or indexed by that  
12 bureau that pertains to a person described by Subsection (a); and

13 (2) obtain from the department or any other criminal  
14 justice agency in this state criminal history record information  
15 maintained by the department or that criminal justice agency that  
16 relates to a person described by Subsection (a).

17 (c) The Texas State Board of Plumbing Examiners may not  
18 release or disclose to any person criminal history record  
19 information obtained from the Federal Bureau of Investigation under  
20 Subsection (b)(1). Criminal history record information obtained by  
21 the Texas State Board of Plumbing Examiners under Subsection (b)(2)  
22 may not be released or disclosed to any person except on court  
23 order, with the written consent of the person or entity that is the  
24 subject of the criminal history record information, or as provided  
25 by Subsection (d).

26 (d) The Texas State Board of Plumbing Examiners is not  
27 prohibited from disclosing criminal history record information

1 obtained under Subsection (b)(2) in a criminal proceeding or in a  
2 hearing conducted by the Texas State Board of Plumbing Examiners.

3 (e) The Texas State Board of Plumbing Examiners shall  
4 destroy criminal history record information that is obtained under  
5 this section after the information is used for its authorized  
6 purpose.

7 SECTION 54. Subchapter F, Chapter 411, Government Code, is  
8 amended by adding Section 411.12515 to read as follows:

9 Sec. 411.12515. ACCESS TO CRIMINAL HISTORY RECORD  
10 INFORMATION: TEXAS REAL ESTATE COMMISSION AND TEXAS APPRAISER  
11 LICENSING AND CERTIFICATION BOARD. (a) In this section:

12 (1) "Board" means the Texas Appraiser Licensing and  
13 Certification Board.

14 (2) "Commission" means the Texas Real Estate  
15 Commission.

16 (b) The commission is entitled to obtain criminal history  
17 record information as provided by Subsection (d) that relates to:

18 (1) an applicant for an initial broker or sales agent  
19 license or renewal of a broker or sales agent license under Chapter  
20 1101, Occupations Code;

21 (2) an applicant for an original certificate of  
22 registration as an easement or right-of-way agent or renewal of a  
23 certificate of registration as an easement or right-of-way agent  
24 under Chapter 1101, Occupations Code; or

25 (3) an applicant for an apprentice inspector license,  
26 a real estate inspector license, or a professional inspector  
27 license or renewal of an apprentice inspector license, a real

1 estate inspector license, or a professional inspector license under  
2 Chapter 1102, Occupations Code.

3 (c) The board is entitled to obtain criminal history record  
4 information as provided by Subsection (d) that relates to:

5 (1) an applicant for an appraiser trainee license, a  
6 residential appraiser license, a residential appraiser  
7 certificate, or a general appraiser certificate or renewal of an  
8 appraiser trainee license, a residential appraiser license, a  
9 residential appraiser certificate, or a general appraiser  
10 certificate under Chapter 1103, Occupations Code; or

11 (2) an applicant for registration or renewal of a  
12 registration as an appraisal management company under Chapter 1104,  
13 Occupations Code.

14 (d) Subject to Section 411.087 of this code and Sections  
15 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031,  
16 Occupations Code, and consistent with the public policy of this  
17 state, the commission and the board are entitled to:

18 (1) obtain through the Federal Bureau of Investigation  
19 criminal history record information maintained or indexed by that  
20 bureau that pertains to a person described by Subsection (b) or (c);  
21 and

22 (2) obtain from the department or any other criminal  
23 justice agency in this state criminal history record information  
24 maintained by the department or that criminal justice agency that  
25 relates to a person described by Subsection (b) or (c).

26 (e) The commission or the board, as applicable, may not  
27 release or disclose to any person criminal history record

1 information obtained from the Federal Bureau of Investigation under  
2 Subsection (d)(1). The commission or the board, as applicable, is  
3 not prohibited from disclosing criminal history record information  
4 obtained under Subsection (d)(2) in a criminal proceeding or in a  
5 hearing conducted by the State Office of Administrative Hearings on  
6 behalf of that agency.

7 (f) The commission or board shall destroy criminal history  
8 record information that is obtained under this section after the  
9 information is used for its authorized purpose.

10 SECTION 55. Subchapter F, Chapter 411, Government Code, is  
11 amended by adding Section 411.12516 to read as follows:

12 Sec. 411.12516. ACCESS TO CRIMINAL HISTORY RECORD  
13 INFORMATION: TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND  
14 SURVEYORS. (a) The Texas Board of Professional Engineers and Land  
15 Surveyors is entitled to obtain criminal history record information  
16 as provided by Subsection (b) that relates to an applicant for or  
17 holder of a license under Chapters 1001 and 1071, Occupations Code.

18 (b) Subject to Section 411.087 of this code and Section  
19 1001.272, Occupations Code, and consistent with the public policy  
20 of this state, the Texas Board of Professional Engineers and Land  
21 Surveyors is entitled to:

22 (1) obtain through the Federal Bureau of Investigation  
23 criminal history record information maintained or indexed by that  
24 bureau that pertains to a person described by Subsection (a); and

25 (2) obtain from the department or any other criminal  
26 justice agency in this state criminal history record information  
27 maintained by the department or that criminal justice agency that

1 relates to a person described by Subsection (a).

2 (c) The Texas Board of Professional Engineers and Land  
3 Surveyors may not release or disclose to any person criminal  
4 history record information obtained from the Federal Bureau of  
5 Investigation under Subsection (b)(1). Criminal history record  
6 information obtained by the Texas Board of Professional Engineers  
7 and Land Surveyors under Subsection (b)(2) may not be released or  
8 disclosed to any person except on court order, with the written  
9 consent of the person who is the subject of the criminal history  
10 record information, or as provided by Subsection (d).

11 (d) The Texas Board of Professional Engineers and Land  
12 Surveyors is not prohibited from disclosing criminal history record  
13 information obtained under Subsection (b)(2) in a criminal  
14 proceeding or in a hearing conducted by the Texas Board of  
15 Professional Engineers and Land Surveyors.

16 (e) The Texas Board of Professional Engineers and Land  
17 Surveyors shall destroy criminal history record information that is  
18 obtained under this section after the information is used for its  
19 authorized purpose.

20 SECTION 56. Subchapter F, Chapter 411, Government Code, is  
21 amended by adding Section 411.12517 to read as follows:

22 Sec. 411.12517. ACCESS TO CRIMINAL HISTORY RECORD  
23 INFORMATION: TEXAS STATE BOARD OF PHARMACY. (a) The Texas State  
24 Board of Pharmacy is entitled to obtain criminal history record  
25 information as provided by Subsection (b) that relates to a person  
26 who:

27 (1) is an applicant for or holder of a license,

1 certificate, registration, permit, or other authorization under  
2 Chapters 557, 558, 559, and 568, Occupations Code;

3 (2) is an applicant for or holder of a Class A, Class  
4 B, Class C, Class D, or Class E pharmacy license under Chapters 560  
5 and 561, Occupations Code;

6 (3) requests a determination of eligibility for a  
7 license, certificate, registration, permit, or other authorization  
8 from the Texas State Board of Pharmacy; or

9 (4) is an applicant for employment at or current  
10 employee of the Texas State Board of Pharmacy.

11 (b) Subject to Section 411.087 and consistent with the  
12 public policy of this state, the Texas State Board of Pharmacy is  
13 entitled to:

14 (1) obtain through the Federal Bureau of Investigation  
15 criminal history record information maintained or indexed by that  
16 bureau that pertains to a person described by Subsection (a); and

17 (2) obtain from the department or any other criminal  
18 justice agency in this state criminal history record information  
19 maintained by the department or that criminal justice agency that  
20 relates to a person described by Subsection (a).

21 (c) The Texas State Board of Pharmacy may not release or  
22 disclose to any person criminal history record information obtained  
23 from the Federal Bureau of Investigation under Subsection (b)(1).  
24 Criminal history record information obtained by the Texas State  
25 Board of Pharmacy under Subsection (b)(2) may not be released or  
26 disclosed to any person except on court order, with the written  
27 consent of the person who is the subject of the criminal history

1 record information, or as provided by Subsection (d).

2 (d) The Texas State Board of Pharmacy is not prohibited from  
3 disclosing criminal history record information obtained under  
4 Subsection (b)(2) in a criminal proceeding or in a hearing  
5 conducted by the Texas State Board of Pharmacy or the State Office  
6 of Administrative Hearings.

7 (e) The Texas State Board of Pharmacy shall destroy criminal  
8 history record information obtained under this section after a  
9 final determination is made in the matter for which the information  
10 was obtained.

11 SECTION 57. The heading to Section 411.1296, Government  
12 Code, is amended to read as follows:

13 Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD  
14 INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT, ~~[AND]~~ APPOINTMENT  
15 TO APPRAISAL REVIEW BOARD FOR APPRAISAL DISTRICT, AND APPLICANT TO  
16 TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD.

17 SECTION 58. Section 411.1296, Government Code, is amended  
18 by amending Subsections (a) and (c) and adding Subsections (a-1),  
19 (d), (e), and (f) to read as follows:

20 (a) Except as provided by Subsection (b), an appraisal  
21 district established by Section 6.01, Tax Code, and the Texas  
22 Appraiser Licensing and Certification Board are [is] entitled to  
23 obtain [from the department] criminal history record information as  
24 provided by Subsection (a-1) [maintained by the department] that  
25 relates to a person who is an applicant for employment by the  
26 appraisal district, [or] for appointment to the appraisal review  
27 board for the appraisal district, for a license or certification as

1 an appraiser trainee, licensed residential appraiser, certified  
2 residential appraiser, or certified general appraiser, or for an  
3 appraisal management company regulated by the Texas Appraiser  
4 Licensing and Certification Board.

5 (a-1) Subject to Section 411.087 and consistent with the  
6 public policy of this state, an appraisal district and the Texas  
7 Appraiser Licensing and Certification Board are entitled to:

8 (1) obtain through the Federal Bureau of Investigation  
9 criminal history record information maintained or indexed by that  
10 bureau that pertains to a person described by Subsection (a); and

11 (2) obtain from the department or any other criminal  
12 justice agency in this state criminal history record information  
13 maintained by the department or that criminal justice agency that  
14 relates to a person described by Subsection (a).

15 (c) The appraisal district may provide criminal history  
16 record information obtained under Subsection (a-1)(2) [~~this~~  
17 ~~section~~] to the local administrative district judge or to the  
18 appraisal review board commissioners appointed by the local  
19 administrative district judge.

20 (d) An appraisal district or the Texas Appraiser Licensing  
21 and Certification Board, as applicable, may not release or disclose  
22 to any person criminal history record information obtained from the  
23 Federal Bureau of Investigation under Subsection (a-1)(1).  
24 Criminal history record information obtained by an appraisal  
25 district or the Texas Appraiser Licensing and Certification Board  
26 under Subsection (a-1)(2) may not be released or disclosed to any  
27 person except on court order, with the written consent of the person

1 who is the subject of the criminal history record information, or as  
2 provided by Subsections (c) and (e).

3 (e) An appraisal district or the Texas Appraiser Licensing  
4 and Certification Board is not prohibited from disclosing criminal  
5 history record information obtained under Subsection (a-1)(2) in a  
6 criminal proceeding or in a hearing conducted by an appraisal  
7 district or the Texas Appraiser Licensing and Certification Board.

8 (f) An appraisal district or the Texas Appraiser Licensing  
9 and Certification Board shall destroy criminal history record  
10 information that is obtained under this section after the  
11 information is used for its authorized purpose.

12 SECTION 59. Section 411.1386, Government Code, is amended  
13 by amending Subsections (a), (a-6), (b), (c), (g), and (h) and  
14 adding Subsections (a-7) and (c-1) to read as follows:

15 (a) Except as provided by Subsections (a-1)[~~(a-5)~~] and  
16 (a-6), the clerk of the county having venue over a proceeding for  
17 the appointment of a guardian under Title 3, Estates Code, shall  
18 obtain [~~from the department~~] criminal history record information as  
19 provided by Subsection (a-7) [~~maintained by the department~~] that  
20 relates to[+]

21 [~~(1) a private professional guardian,~~

22 [~~(2) each person who represents or plans to represent~~  
23 ~~the interests of a ward as a guardian on behalf of the private~~  
24 ~~professional guardian,~~

25 [~~(3) each person employed by a private professional~~  
26 ~~guardian who will,~~

27 [~~(A) have personal contact with a ward or~~

1 ~~proposed ward,~~

2 ~~[(B) exercise control over and manage a ward's~~  
3 ~~estate, or~~

4 ~~[(C) perform any duties with respect to the~~  
5 ~~management of a ward's estate,~~

6 ~~[(4) each person employed by or volunteering or~~  
7 ~~contracting with a guardianship program to provide guardianship~~  
8 ~~services to a ward of the program on the program's behalf, or~~

9 ~~[(5)] any [other] person proposed to serve as a~~  
10 ~~guardian under Title 3, Estates Code, including a proposed~~  
11 ~~temporary guardian, [and] a proposed successor guardian, or any~~  
12 ~~person who will have contact with the proposed ward or the proposed~~  
13 ~~ward's estate on behalf of the proposed guardian, other than an~~  
14 ~~attorney or a certified guardian.~~

15 (a-6) The clerk described by Subsection (a) is not required  
16 to obtain criminal history record information from the department  
17 for a person if the Judicial Branch Certification Commission  
18 conducted a criminal history check on the person under Sections  
19 155.203 and 155.207 [Chapter 155]. The commission shall provide to  
20 the clerk ~~[at the court's request]~~ the criminal history record  
21 information that was obtained from the department ~~[or the Federal~~  
22 ~~Bureau of Investigation]~~. The clerk shall, in accordance with  
23 Subsection (a-7)(1), obtain criminal history record information  
24 from the Federal Bureau of Investigation identification division  
25 relating to any person described by Subsection (a).

26 (a-7) Subject to Section 411.087 and consistent with the  
27 public policy of this state, the clerk described by Subsection (a)

1 is entitled to:

2           (1) obtain through the Federal Bureau of Investigation  
3 criminal history record information maintained or indexed by that  
4 bureau that pertains to a person described by Subsection (a); and

5           (2) obtain from the department or any other criminal  
6 justice agency in this state criminal history record information  
7 maintained by the department or that criminal justice agency that  
8 relates to a person described by Subsection (a).

9           (b) Criminal history record information obtained by or  
10 provided to a clerk under this section [~~Subsection (a), (a-5), or~~  
11 ~~(a-6)~~] is for the exclusive use of the court and is privileged and  
12 confidential.

13           (c) A clerk may not release or disclose to any person  
14 criminal history record information obtained from the Federal  
15 Bureau of Investigation under Subsection (a-7)(1). Criminal  
16 history record information obtained by or provided to a clerk under  
17 Subsection (a-7)(2) [~~(a), (a-5),~~] or (a-6) may not be released or  
18 disclosed to any person or agency except on court order or with the  
19 consent of the person who is the subject of the information.

20           (c-1) The clerk shall [~~may~~] destroy the criminal history  
21 record information after the information is used for the purposes  
22 authorized by this section.

23           (g) A person commits an offense if the person releases or  
24 discloses any information received under this section without the  
25 authorization prescribed by Subsection (c) [~~or (d)~~]. An offense  
26 under this subsection is a Class A misdemeanor.

27           (h) The county clerk may charge a \$10 fee to recover the

1 costs of obtaining criminal history record information [~~records~~]  
2 authorized by Subsection (a-7) [~~(a)~~].

3 SECTION 60. Section 411.13861, Government Code, is amended  
4 by amending Subsections (a), (b), and (c) and adding Subsections  
5 (a-1) and (c-1) to read as follows:

6 (a) The Health and Human Services Commission is entitled to  
7 obtain [~~from the Department of Public Safety~~] criminal history  
8 record information as provided by Subsection (a-1) [~~maintained by~~  
9 ~~the Department of Public Safety~~] that relates to a person:

10 (1) who is required to undergo a background and  
11 criminal history check under Chapter 248A, Health and Safety Code;

12 (2) who seeks unsupervised visits with a ward of the  
13 Health and Human Services Commission, including a relative of the  
14 ward;

15 (3) who is an applicant for employment with the Health  
16 and Human Services Commission for a position in which the person, as  
17 an employee, would have direct access to residents or clients of a  
18 facility regulated by the Health and Human Services Commission, as  
19 determined by the executive commissioner of that commission; or

20 (4) who is an employee of the Health and Human Services  
21 Commission and who has direct access to residents or clients of a  
22 facility regulated by that commission, as determined by the  
23 executive commissioner of that commission.

24 (a-1) Subject to Section 411.087 and consistent with the  
25 public policy of this state, the Health and Human Services  
26 Commission is entitled to:

27 (1) obtain through the Federal Bureau of Investigation

1 criminal history record information maintained or indexed by that  
2 bureau that pertains to a person who is described by Subsection (a);  
3 and

4 (2) obtain from the department or any other criminal  
5 justice agency in this state criminal history record information  
6 maintained by the department or that criminal justice agency that  
7 relates to a person described by Subsection (a).

8 (b) Criminal history record information obtained under  
9 Subsection (a-1) [~~(a)~~] is for the exclusive use of the Health and  
10 Human Services Commission and is privileged and confidential.

11 (c) The Health and Human Services Commission may not release  
12 or disclose to any person criminal history record information  
13 obtained from the Federal Bureau of Investigation under Subsection  
14 (a-1)(1). Criminal history record information obtained by the  
15 Health and Human Services Commission under Subsection (a-1)(2)  
16 [~~(a)~~] may not be released or disclosed to any person or agency  
17 except on court order or with the consent of the person who is the  
18 subject of the information.

19 (c-1) The Health and Human Services Commission shall [~~may~~]  
20 destroy the criminal history record information after the  
21 information is used for the purposes authorized by this section.

22 SECTION 61. Section 411.1405, Government Code, is amended  
23 by amending Subsections (b), (c), and (d) and adding Subsections  
24 (b-1) and (g) to read as follows:

25 (b) To the extent consistent with Subsection (e), a state  
26 agency is entitled to obtain [~~from the department the~~] criminal  
27 history record information as provided by Subsection (b-1)

1 ~~[maintained by the department]~~ that relates to a person who:

2 (1) is an employee, applicant for employment,  
3 contractor, subcontractor, or intern or other volunteer with the  
4 state agency or with a contractor or subcontractor for the state  
5 agency; and

6 (2) has access to information resources or information  
7 resources technologies, other than a desktop computer or telephone  
8 station assigned to that person.

9 (b-1) Subject to Section 411.087 and consistent with the  
10 public policy of this state, a state agency is entitled to:

11 (1) obtain through the Federal Bureau of Investigation  
12 criminal history record information maintained or indexed by that  
13 bureau that pertains to a person described by Subsection (b); and

14 (2) obtain from the department or any other criminal  
15 justice agency in this state criminal history record information  
16 maintained by the department or that criminal justice agency that  
17 relates to a person described by Subsection (b).

18 (c) A state agency may not release or disclose to any person  
19 criminal history record information obtained from the Federal  
20 Bureau of Investigation under Subsection (b-1)(1). A state agency  
21 that obtains criminal history record information under this section  
22 may not release or disclose the information obtained under  
23 Subsection (b-1)(2) or any documents or other records derived from  
24 the information except:

25 (1) by court order;

26 (2) with the consent of the person who is the subject  
27 of the information; [~~or~~]

1           (3) to the affected contractor or subcontractor; or  
2           (4) as described by Subsection (g) [~~unless the~~  
3 ~~information was obtained by the department from the Federal Bureau~~  
4 ~~of Investigation~~].

5           (d) A state agency and the affected contractor or  
6 subcontractor shall destroy criminal history record information  
7 obtained under this section after the information is used for the  
8 purposes authorized by this section [~~that relates to a person after~~  
9 ~~the information is used to make an employment decision or to take a~~  
10 ~~personnel action relating to the person who is the subject of the~~  
11 ~~information~~].

12           (g) A state agency is not prohibited from disclosing  
13 criminal history record information obtained under Subsection  
14 (b-1)(2) in a criminal proceeding.

15           SECTION 62. Section 411.1408, Government Code, is amended  
16 by amending Subsections (b) and (c) and adding Subsections (b-1)  
17 and (d) to read as follows:

18           (b) The commission is entitled to obtain [~~from the~~  
19 ~~department~~] criminal history record information as provided by  
20 Subsection (b-1) [~~maintained by the department~~] that relates to a  
21 person who is an applicant for or the holder of a certificate,  
22 registration, or license issued by the commission or otherwise  
23 under Subtitle L, Title 2.

24           (b-1) Subject to Section 411.087 and consistent with the  
25 public policy of this state, the commission is entitled to:

26                 (1) obtain through the Federal Bureau of Investigation  
27 criminal history record information maintained or indexed by that

1 bureau that pertains to a person described by Subsection (b); and  
2 (2) obtain from the department or any other criminal  
3 justice agency in this state criminal history record information  
4 maintained by the department or that criminal justice agency that  
5 relates to a person described by Subsection (b).

6 (c) The commission may not release or disclose to any person  
7 criminal history record information obtained from the Federal  
8 Bureau of Investigation under Subsection (b-1)(1). Criminal  
9 history record information obtained by the commission under  
10 Subsection (b-1)(2) [~~(b)~~]:

11 (1) may be used by the commission for any purpose  
12 related to the issuance, denial, suspension, revocation, or renewal  
13 of a certificate, registration, or license issued by the commission  
14 or otherwise under Subtitle L, Title 2; and

15 (2) may not be released or disclosed to any person  
16 except:

17 (A) on court order; or

18 (B) ~~[with the consent of the person who is the~~  
19 ~~subject of the information; or~~

20 [~~(C)~~] as authorized by Section 411.1386(a-6) of  
21 this code or Section 1104.404, Estates Code, if applicable~~[, and~~

22 ~~[(3) shall be destroyed by the commission after the~~  
23 ~~information is used for the authorized purposes].~~

24 (d) The commission shall destroy criminal history record  
25 information that is obtained under this section after the  
26 information is used for its authorized purpose.

27 SECTION 63. Section 411.1409, Government Code, is amended

1 by amending Subsections (b), (c), (d), and (e) and adding  
2 Subsection (b-1) to read as follows:

3 (b) An appellate court is entitled to obtain [~~from the~~  
4 ~~department~~] criminal history record information as provided by  
5 Subsection (b-1) [~~maintained by the department~~] that relates to a  
6 person who is an applicant for:

- 7 (1) employment with the court;
- 8 (2) a volunteer position with the court; or
- 9 (3) an appointment made by the court.

10 (b-1) Subject to Section 411.087 and consistent with the  
11 public policy of this state, the court is entitled to:

12 (1) obtain through the Federal Bureau of Investigation  
13 criminal history record information maintained or indexed by that  
14 bureau that pertains to a person described by Subsection (b); and

15 (2) obtain from the department or any other criminal  
16 justice agency in this state criminal history record information  
17 maintained by the department or that criminal justice agency that  
18 relates to a person described by Subsection (b).

19 (c) Criminal history record information obtained by the  
20 court under this section [~~Subsection (b)~~] may be used only to  
21 evaluate an applicant.

22 (d) The court may not release or disclose to any person  
23 criminal history record information obtained from the Federal  
24 Bureau of Investigation under Subsection (b-1)(1). The court may  
25 not release or disclose information obtained under Subsection  
26 (b-1)(2) [~~(b)~~] except on order of a district court [~~or with the~~  
27 ~~consent of the person who is the subject of the criminal history~~

1 ~~record information~~].

2 (e) ~~The [After the expiration of any probationary term of~~  
3 ~~the person's employment, volunteer status, or appointment, the]~~  
4 court shall destroy ~~[all]~~ criminal history record information  
5 obtained under this section after the information is used for its  
6 authorized purpose [Subsection (b)].

7 SECTION 64. Subchapter F, Chapter 411, Government Code, is  
8 amended by adding Section 411.14101 to read as follows:

9 Sec. 411.14101. ACCESS TO CRIMINAL HISTORY RECORD  
10 INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this  
11 section, "office" means the State Office of Administrative  
12 Hearings.

13 (b) The office is entitled to obtain criminal history record  
14 information as provided by Subsection (c) that relates to a person  
15 who is:

16 (1) an employee of, or an applicant for employment  
17 with, the office; or

18 (2) a contractor, subcontractor, volunteer, or intern  
19 of the office, or an applicant to serve in one of those capacities.

20 (c) Subject to Section 411.087 and consistent with the  
21 public policy of this state, the office is entitled to:

22 (1) obtain through the Federal Bureau of Investigation  
23 criminal history record information maintained or indexed by that  
24 bureau that pertains to a person described by Subsection (b); and

25 (2) obtain from the department or any other criminal  
26 justice agency in this state criminal history record information  
27 maintained by the department or that criminal justice agency that

1 relates to a person described by Subsection (b).

2 (d) The office may not release or disclose to any person  
3 criminal history record information obtained from the Federal  
4 Bureau of Investigation under Subsection (c)(1). Criminal history  
5 record information obtained by the office under Subsection (c)(2)  
6 may not be released or disclosed to any person except by court order  
7 or with the written consent of the person who is the subject of the  
8 criminal history record information.

9 (e) The office shall destroy criminal history record  
10 information that is obtained under this section after the  
11 information is used for its authorized purpose.

12 SECTION 65. Subchapter F, Chapter 411, Government Code, is  
13 amended by adding Section 411.14102 to read as follows:

14 Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD  
15 INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The  
16 Texas Board of Architectural Examiners is entitled to obtain  
17 criminal history record information as provided by Subsection (b)  
18 that relates to:

19 (1) a person who is:

20 (A) an applicant for an architectural  
21 registration under Chapter 1051, Occupations Code; or

22 (B) the holder of an architectural registration  
23 under that chapter;

24 (2) a person who is:

25 (A) an applicant for a landscape architectural  
26 registration under Chapter 1052, Occupations Code; or

27 (B) the holder of a landscape architectural

1 registration under that chapter; or

2 (3) a person who is:

3 (A) an applicant for an interior design  
4 registration under Chapter 1053, Occupations Code; or

5 (B) the holder of an interior design registration  
6 under that chapter.

7 (b) Subject to Section 411.087 of this code and Section  
8 1051.3041, Occupations Code, and consistent with the public policy  
9 of this state, the Texas Board of Architectural Examiners is  
10 entitled to:

11 (1) obtain through the Federal Bureau of Investigation  
12 criminal history record information maintained or indexed by that  
13 bureau that pertains to a person described by Subsection (a); and

14 (2) obtain from the department or any other criminal  
15 justice agency in this state criminal history record information  
16 maintained by the department or that criminal justice agency that  
17 relates to a person described by Subsection (a).

18 (c) The Texas Board of Architectural Examiners may not  
19 release or disclose to any person criminal history record  
20 information obtained from the Federal Bureau of Investigation under  
21 Subsection (b)(1). Criminal history record information obtained by  
22 the Texas Board of Architectural Examiners under Subsection (b)(2)  
23 may not be released or disclosed to any person except on court order  
24 or as provided by Subsection (d).

25 (d) The Texas Board of Architectural Examiners is not  
26 prohibited from disclosing criminal history record information  
27 obtained under Subsection (b)(2) in a criminal proceeding or in a

1 hearing conducted by the Texas Board of Architectural Examiners or  
2 the State Office of Administrative Hearings.

3 (e) The Texas Board of Architectural Examiners shall  
4 destroy criminal history record information that is obtained under  
5 this section after the information is used for its authorized  
6 purpose.

7 SECTION 66. Sections 301.2511(a) and (c), Occupations Code,  
8 are amended to read as follows:

9 (a) An applicant for a vocational, registered, or advanced  
10 practice registered nurse license must submit to the board, in  
11 addition to satisfying the other requirements of this subchapter, a  
12 complete and legible set of fingerprints, on a form prescribed by  
13 the board, for the purpose of obtaining criminal history record  
14 information from the Department of Public Safety and the Federal  
15 Bureau of Investigation.

16 (c) The board by rule shall develop a system for obtaining  
17 criminal history record information for a person accepted for  
18 enrollment in a nursing educational program that prepares the  
19 person for [~~initial~~] licensure as a vocational, registered, or  
20 advanced practice registered [~~or vocational~~] nurse by requiring the  
21 person to submit to the board a set of fingerprints that meets the  
22 requirements of Subsection (a). The board may develop a similar  
23 system for an applicant for enrollment in a nursing educational  
24 program. The board may require payment of a fee by a person who is  
25 required to submit a set of fingerprints under this subsection.

26 SECTION 67. Section 1101.002, Occupations Code, is amended  
27 by adding Subdivision (3-a) to read as follows:

1           (3-a) "Easement or right-of-way agent" means a person  
2 who sells, buys, leases, or transfers an easement or right-of-way  
3 for another, for compensation or with the expectation of receiving  
4 compensation, for use in connection with telecommunication,  
5 utility, railroad, or pipeline service.

6           SECTION 68. Section 1101.501, Occupations Code, is amended  
7 to read as follows:

8           Sec. 1101.501. CERTIFICATE REQUIRED. A person may not act  
9 as an easement or right-of-way agent [~~sell, buy, lease, or transfer~~  
10 ~~an easement or right-of-way for another, for compensation or with~~  
11 ~~the expectation of receiving compensation, for use in connection~~  
12 ~~with telecommunication, utility, railroad, or pipeline service]~~  
13 unless the person:

14           (1) holds a license issued under this chapter; or

15           (2) holds a certificate of registration issued under  
16 this subchapter.

17           SECTION 69. Section 1101.5041, Occupations Code, is amended  
18 to read as follows:

19           Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION  
20 REQUIREMENT FOR CERTIFICATE. An applicant for an original  
21 certificate of registration as an easement or right-of-way agent or  
22 renewal of a certificate of registration as an easement or  
23 right-of-way agent must comply with the criminal history record  
24 check requirements of Section 1101.3521.

25           SECTION 70. Section 2025.251, Occupations Code, is amended  
26 to read as follows:

27           Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED. (a) Except

1 as provided by this section, a person, other than as a spectator or  
2 as a person placing a wager, may not participate in [~~raci~~ng with]  
3 pari-mutuel racing activities or wagering without first obtaining a  
4 license from the commission. A person may not engage in any  
5 occupation for which commission rules require a license under this  
6 subtitle without first obtaining a license from the commission.

7 (b) The commission [~~by rule~~] shall [~~categorize the~~  
8 ~~occupations of racetrack employees and~~] determine the occupations  
9 that afford [~~the employee~~] an opportunity to influence racing with  
10 pari-mutuel wagering, including individuals who [~~. The rules must~~  
11 ~~require an employee to be licensed under this subtitle if the~~  
12 ~~employee~~]:

13 (1) work [~~works~~] in an occupation as an employee,  
14 contractor, or volunteer [~~determined by the commission~~] to afford  
15 the individual [~~employee~~] an opportunity to influence racing with  
16 pari-mutuel wagering; or

17 (2) will likely have significant access to the  
18 backside of a racetrack or to restricted areas of the frontside of a  
19 racetrack.

20 (c) Notwithstanding Subsection (b), the following  
21 individuals require a criminal history background check before an  
22 occupational license is issued: commissioners, regulatory  
23 employees and contractors hired by the commission, racetrack  
24 association employees, training facility employees, and employees  
25 of either a recognized horseman's organization or licensed  
26 racehorse owners.

27 SECTION 71. The following provisions are repealed:

- 1           (1) Sections 22.0834(g), (i), (k), (m), and (n),  
2 Education Code;
- 3           (2) Section 22.08341, Education Code;
- 4           (3) Sections 1104.403, 1104.407, 1104.408, and  
5 1104.410, Estates Code;
- 6           (4) Section 411.110(d), Government Code;
- 7           (5) Section 411.122(c), Government Code;
- 8           (6) Sections 411.1386(a-4), (a-5), (d), (f), and (i),  
9 Government Code; and
- 10          (7) Section 411.13861(f), Government Code.

11           SECTION 72. This Act takes effect immediately if it  
12 receives a vote of two-thirds of all the members elected to each  
13 house, as provided by Section 39, Article III, Texas Constitution.  
14 If this Act does not receive the vote necessary for immediate  
15 effect, this Act takes effect September 1, 2023.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 25, 2023**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4123** by Guillen (Relating to access to and use of certain criminal history record information.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State, 329 Real Estate Commission, 332 Department of Housing and Community Affairs, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 459 Board of Architectural Examiners, 460 Board of Professional Engineers and Land Surveyors, 481 Board of Professional Geoscientists, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners, 510 Behavioral Health Executive Council, 513 Funeral Service Commission, 514 Optometry Board, 515 Board of Pharmacy, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 551 Department of Agriculture, 578 Board of Veterinary Medical Examiners, 582 Commission on Environmental Quality, 601 Department of Transportation, 608 Department of Motor Vehicles, 701 Texas Education Agency

**LBB Staff:** JMc, SD, SZ, KFB, DA, DDel

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 19, 2023**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB4123** by Guillen (relating to access to and use of certain criminal history record information.),  
**Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State, 329 Real Estate Commission, 332 Department of Housing and Community Affairs, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 459 Board of Architectural Examiners, 460 Board of Professional Engineers and Land Surveyors, 481 Board of Professional Geoscientists, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners, 510 Behavioral Health Executive Council, 513 Funeral Service Commission, 514 Optometry Board, 515 Board of Pharmacy, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 551 Department of Agriculture, 578 Board of Veterinary Medical Examiners, 582 Commission on Environmental Quality, 601 Department of Transportation, 608 Department of Motor Vehicles, 701 Texas Education Agency

**LBB Staff:** JMc, SZ, KFB, DA, DDel

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 15, 2023**

**TO:** Honorable Charles Schwertner, Chair, Senate Committee on Business & Commerce

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4123** by Guillen (Relating to access to and use of certain criminal history record information.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State, 329 Real Estate Commission, 332 Department of Housing and Community Affairs, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 459 Board of Architectural Examiners, 460 Board of Professional Engineers and Land Surveyors, 481 Board of Professional Geoscientists, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners, 510 Behavioral Health Executive Council, 513 Funeral Service Commission, 514 Optometry Board, 515 Board of Pharmacy, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 551 Department of Agriculture, 578 Board of Veterinary Medical Examiners, 582 Commission on Environmental Quality, 601 Department of Transportation, 608 Department of Motor Vehicles, 701 Texas Education Agency

**LBB Staff:** JMc, SZ, DDel, KFB, DA

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 28, 2023**

**TO:** Honorable Ryan Guillen, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4123** by Guillen (Relating to access to and use of certain criminal history record information.),  
**Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State, 329 Real Estate Commission, 332 Department of Housing and Community Affairs, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 459 Board of Architectural Examiners, 460 Board of Professional Engineers and Land Surveyors, 481 Board of Professional Geoscientists, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners, 510 Behavioral Health Executive Council, 513 Funeral Service Commission, 514 Optometry Board, 515 Board of Pharmacy, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 551 Department of Agriculture, 578 Board of Veterinary Medical Examiners, 582 Commission on Environmental Quality, 601 Department of Transportation, 608 Department of Motor Vehicles, 701 Texas Education Agency

**LBB Staff:** JMc, DDel, KFB, DA

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**April 10, 2023**

**TO:** Honorable Ryan Guillen, Chair, House Committee on Homeland Security & Public Safety

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4123** by Guillen (Relating to the dissemination of criminal history record information by the Department of Public Safety.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

It is assumed that any costs associated with the bill could be absorbed using existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 307 Secretary of State, 329 Real Estate Commission, 332 Department of Housing and Community Affairs, 405 Department of Public Safety, 452 Department of Licensing and Regulation, 456 Board of Plumbing Examiners, 459 Board of Architectural Examiners, 460 Board of Professional Engineers and Land Surveyors, 481 Board of Professional Geoscientists, 504 Texas State Board of Dental Examiners, 508 Board of Chiropractic Examiners, 510 Behavioral Health Executive Council, 513 Funeral Service Commission, 514 Optometry Board, 515 Board of Pharmacy, 529 Health and Human Services Commission, 533 Executive Council of Physical Therapy & Occupational Therapy Examiners, 551 Department of Agriculture, 578 Board of Veterinary Medical Examiners, 582 Commission on Environmental Quality, 601 Department of Transportation, 608 Department of Motor Vehicles, 701 Texas Education Agency

**LBB Staff:** JMc, DDel, KFB, DA