

**House Bill 4123**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

- (1) the employee or applicant has or will have continuing duties related to the contracted services; and
- (2) the employee or applicant has or will have direct contact with students.

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

- (1) the public work does not involve the construction, alteration, or repair of an instructional facility as defined by Section 46.001;
- (2) for public work that involves construction of a new instructional facility, the person's duties related to the contracted services will be completed not later than the seventh day before the first date the facility will be used for instructional purposes; or
- (3) for a public work that involves an existing instructional facility:
  - (A) the public work area contains sanitary facilities and is separated from all areas used by students by a secure barrier fence that is not less than six feet in height; and
  - (B) the contracting entity adopts a policy prohibiting employees, including subcontracting entity employees, from

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

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

- (1) the employee or applicant has or will have continuing duties related to the contracted services; and
- (2) the employee or applicant has or will have direct contact with students.

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

- (1) the public work does not involve the construction, alteration, or repair of an instructional facility as defined by Section 46.001;
- (2) for public work that involves construction of a new instructional facility, the person's duties related to the contracted services will be completed not later than the seventh day before the first date the facility will be used for instructional purposes; or
- (3) for a public work that involves an existing instructional facility:
  - (A) the public work area contains sanitary facilities and is separated from all areas used by students by a secure barrier fence that is not less than six feet in height; and
  - (B) the contracting entity adopts a policy prohibiting employees, including subcontracting entity employees, from

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interacting with students or entering areas used by students, informs employees of the policy, and enforces the policy at the public work area [a contracting entity, subcontracting entity, or other person subject to Section 22.08341].

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

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

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

(d) A qualified school contractor or [An entity contracting with] a school district, open-enrollment charter school, or shared services arrangement shall obtain all criminal history record information that relates to a person to whom

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interacting with students or entering areas used by students, informs employees of the policy, and enforces the policy at the public work area [a contracting entity, subcontracting entity, or other person subject to Section 22.08341].

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

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

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

(d) A qualified school contractor or [An entity contracting with] a school district, open-enrollment charter school, or shared services arrangement shall obtain all criminal history record information that relates to a person to whom

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Subsection (a) applies through the criminal history clearinghouse as provided by Section 411.0845, Government Code. ~~[The entity shall certify to the school district that the entity has received all criminal history record information relating to a person to whom Subsection (a) applies.]~~

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

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

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

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

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

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Subsection (a) applies through the criminal history clearinghouse as provided by Section 411.0845, Government Code. ~~[The entity shall certify to the school district that the entity has received all criminal history record information relating to a person to whom Subsection (a) applies.]~~

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

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

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

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

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

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

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

(p) In this section:

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

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

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

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

(p) In this section:

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

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

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

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

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

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

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

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

(c) A school district, open-enrollment charter school, or shared services arrangement may not allow a person who is an employee of or applicant for employment by a qualified school contractor or an entity that contracts with the district, school, or shared services arrangement to serve at the district or school or for the shared services arrangement if the

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

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

(q) A qualified school contractor shall certify to the school district, open-enrollment charter school, or shared services arrangement that the entity has received all criminal history record information relating to a person who is employed by or under a current offer of employment by the qualified school contractor.

SECTION 2. Same as House version.

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district, school, or shared services arrangement obtains information described by Subsection (a) through a criminal history record information review concerning the employee or applicant. A school district, open-enrollment charter school, or shared services arrangement must ensure that an entity that the district, school, or shared services arrangement contracts with for services has obtained all criminal history record information as required by Section 22.0834 ~~[or 22.08341]~~.

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

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

- (1) a private professional guardian;
- (2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;
- (3) each person employed by a private professional guardian who will:
  - (A) have personal contact with a ward or proposed ward;
  - (B) exercise control over and manage a ward's estate; or
  - (C) perform any duties with respect to the management of a ward's estate;
- (4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or

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

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

- ~~[(1) a private professional guardian;~~
- ~~[(2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;~~
- ~~[(3) each person employed by a private professional guardian who will:~~
  - ~~[(A) have personal contact with a ward or proposed ward;~~
  - ~~[(B) exercise control over and manage a ward's estate; or~~
  - ~~[(C) perform any duties with respect to the management of a ward's estate;~~
- ~~[(4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or~~

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

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

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

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

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~~(5)~~ any ~~other~~ person proposed to serve as a guardian under this title, including a proposed temporary guardian, ~~and~~ a proposed successor guardian, or any person who will have contact with the proposed ward or the proposed ward's estate on behalf of the proposed guardian, other than an attorney or a person who is a certified guardian.

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

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

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

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

(a) Criminal history record information obtained or provided under Section 1104.402[~~—1104.403,~~] or 1104.404 is privileged and confidential and is for the exclusive use of the court. The criminal history record information may not be released or otherwise disclosed to any person or agency except on court order [~~or consent of the person being investigated~~]. The court may use the criminal history record information only to determine whether to:

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

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

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

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

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

(a) Criminal history record information obtained or provided under Section 1104.402[~~—1104.403,~~] or 1104.404 is privileged and confidential and is for the exclusive use of the court. The criminal history record information may not be released or otherwise disclosed to any person or agency except on court order [~~or consent of the person being investigated~~]. The court may use the criminal history record information only to determine whether to:

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

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

SECTION 7. Same as House version.

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

Sec. 152.203. RULES ON INELIGIBILITY. The supreme court shall by order adopt rules on an applicant's [~~applicant's~~] ineligibility for certification, registration, or licensing under this subtitle based on the applicant's [~~person's~~] criminal history or other information that indicates the applicant [~~person~~] lacks the honesty, trustworthiness, or integrity to hold the certification, registration, or license. The commission shall, in accordance with this section and rules adopted by order of the United States Supreme Court, obtain criminal history record information that is maintained by the Department of Public Safety or the Federal Bureau of Investigation identification division on each applicant for certification, registration, or licensing under this subtitle to be used only for the determination of each applicant's ineligibility under rules adopted by United States Supreme Court order under this section. The commission may not use criminal history record information obtained from the Federal Bureau of Investigation identification division under this section for any other purpose. The commission may not transfer criminal history record information obtained from the Federal Bureau of Investigation identification division under this section to any other state agency, entity, or person. The commission shall destroy criminal history record information immediately after each determination of ineligibility is made.

SECTION 8. Same as House version.

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

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

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

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

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

(c) The commission shall obtain~~;~~~~or~~

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

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

[~~2~~] [~~B~~] the proposed guardian is a resident of this state.

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

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SECTION 9. Same as House version.

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

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

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

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

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

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

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

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SECTION 10. Same as House version.

SECTION 11. Same as House version.

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

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

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(d) Notwithstanding any other provision of this subchapter, a private entity that purchases information from the department is not required to provide proof of cyber-threat insurance coverage or post a performance bond if that entity:  
(1) provides proof of an audit by a certified public accountant certifying that the requestor has implemented internal controls and security protocols that are consistent with the National Institute of Standards and Technology standards for cybersecurity and approved by the Department of Information Resources or an IT cybersecurity professional certified by the National Institute of Standards and Technology or a similar organization;  
(2) provides proof of Payment Card Industry Data Security Standard (PCI DSS) certification or certification by a similar organization recognized by the Department of Information Resources; or  
(3) provides proof of compliance with voluntary compliance standards for cybersecurity developed by a national organization of certified public accountants for the management of customer data, including SOC 1, SOC 2, or SOC.

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

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

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

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

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- (1) is an applicant for or holds a registration issued by the director under Subchapter C, Chapter 481, Health and Safety Code, that authorizes the person to manufacture, distribute, analyze, or conduct research with a controlled substance;
- (2) is an applicant for or holds a registration issued by the department under Chapter 487, Health and Safety Code, to be a director, manager, or employee of a dispensing organization, as defined by Section 487.001, Health and Safety Code;
- (3) is an applicant for or holds an authorization issued by the department under Section 521.2476, Transportation Code, to do business in this state as a vendor of ignition interlock devices;
- (4) is an applicant for or holds certification by the department as an inspection station or an inspector under Subchapter G, Chapter 548, Transportation Code, holds an inspection station or inspector certificate issued under that subchapter, or is the owner of an inspection station operating under that chapter; [ø]
- (5) is an applicant for or holds a certificate of registration issued by the department under Chapter 1956, Occupations Code, to act as a metal recycling entity;
- (6) is an applicant for or holds a license to carry a handgun issued by the department under Subchapter H, or is an applicant for or holds a certification as an instructor issued by the department under this chapter;
- (7) is an applicant for or holds a capitol access pass issued by the department under Section 411.0625; or
- (8) is an applicant for or holds a license or commission issued by the department under Chapter 1702, Occupations Code.

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- (1) is an applicant for or holds a registration issued by the director under Subchapter C, Chapter 481, Health and Safety Code, that authorizes the person to manufacture, distribute, analyze, or conduct research with a controlled substance;
- (2) is an applicant for or holds a registration issued by the department under Chapter 487, Health and Safety Code, to be a director, manager, or employee of a dispensing organization, as defined by Section 487.001, Health and Safety Code;
- (3) is an applicant for or holds an authorization issued by the department under Section 521.2476, Transportation Code, to do business in this state as a vendor of ignition interlock devices;
- (4) is an applicant for or holds certification by the department as an inspection station or an inspector under Subchapter G, Chapter 548, Transportation Code, holds an inspection station or inspector certificate issued under that subchapter, or is the owner of an inspection station operating under that chapter; [ø]
- (5) is an applicant for or holds a certificate of registration issued by the department under Chapter 1956, Occupations Code, to act as a metal recycling entity;
- (6) is an applicant for or holds a license to carry a handgun issued by the department under Subchapter H, or is an applicant for or holds a certification as an instructor issued by the department under this chapter;
- (7) is an applicant for or holds a Capitol access pass issued by the department under Section 411.0625; or
- (8) is an applicant for or holds a license or commission issued by the department under Chapter 1702, Occupations Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The State Board for Educator Certification may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the board under Subsection (a-1)(2) in the original form or any subsequent form:

SENATE VERSION (CS)

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

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

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

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

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

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

(b) The State Board for Educator Certification may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the board under Subsection (a-1)(2) in the original form or any subsequent form:

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- (1) may be used only for a purpose related to the issuance, denial, reprimand, suspension, revocation, or cancellation of a certificate issued by the board;
- (2) may not be released to any person except:
- (A) to the person who is the subject of the information;
- (B) to the Texas Education Agency;
- (C) to a local or regional educational entity as provided by Section 411.097; or
- (D) by court order; and
- (3) is not subject to disclosure as provided by Chapter 552[; ~~and~~
- ~~[(4) shall be destroyed by the board after the information is used for the authorized purposes].~~
- (d) The State Board for Educator Certification is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Education Agency or State Board for Educator Certification.
- (e) The State Board for Educator Certification shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 15. Section 411.0901, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (c), and (d) to read as follows:

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

SENATE VERSION (CS)

- (1) may be used only for a purpose related to the issuance, denial, reprimand, suspension, revocation, or cancellation of a certificate issued by the board;
- (2) may not be released to any person except:
- (A) to the person who is the subject of the information;
- (B) to the Texas Education Agency;
- (C) to a local or regional educational entity as provided by Section 411.097; or
- (D) by court order; and
- (3) is not subject to disclosure as provided by Chapter 552[; ~~and~~
- ~~[(4) shall be destroyed by the board after the information is used for the authorized purposes].~~
- (d) The State Board for Educator Certification is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Education Agency or the State Board for Educator Certification.
- (e) The State Board for Educator Certification shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 15. Section 411.0901, Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (a-1), (c), and (d) to read as follows:

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

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- (1) is employed or is an applicant for employment by a school district or open-enrollment charter school;
- (2) is employed or is an applicant for employment by a shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present; ~~or~~
- (3) is employed or is an applicant for employment by an entity that contracts or subcontracts with a school district, open-enrollment charter school, or shared services arrangement, if the applicant or employee has or will have:
- (A) continuing duties related to the contracted or subcontracted services; and
- (B) direct contact with students;
- (4) is employed or is an applicant for employment by the Texas Education Agency;
- ~~(5) is subject to placement on the registry of persons not eligible for employment in public schools under Section 22.092, Education Code; or~~
- (6) provides services as a tutor on behalf of a service provider that offers accelerated or supplemental instruction under Section 28.0211, Education Code, if the tutor has or will have continuing duties related to the services provided and has or will have direct contact with students [if:
- ~~[(A) the employee or applicant has or will have continuing duties relating to the contracted services; and~~
- ~~[(B) the employee or applicant has or will have direct contact with students].~~
- (a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Education Agency is entitled to:
- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed

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- (1) is employed or is an applicant for employment by a school district or open-enrollment charter school;
- (2) is employed or is an applicant for employment by a shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present; ~~or~~
- (3) is employed or is an applicant for employment by an entity that contracts or subcontracts with a school district, open-enrollment charter school, or shared services arrangement, if the applicant or employee has or will have:
- (A) continuing duties related to the contracted or subcontracted services; and
- (B) direct contact with students;
- (4) is employed or is an applicant for employment by the Texas Education Agency; or
- ~~(5) provides services as a tutor on behalf of a service provider that offers accelerated or supplemental instruction under Section 28.0211, Education Code, if the tutor has or will have continuing duties related to the services provided and has or will have direct contact with students [if:~~
- ~~[(A) the employee or applicant has or will have continuing duties relating to the contracted services; and~~
- ~~[(B) the employee or applicant has or will have direct contact with students].~~
- (a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Education Agency is entitled to:
- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed

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by that bureau that pertains to a person described by Subsection (a); and

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

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

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

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

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

(B) the State Board for Educator Certification;

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

(D) by court order; and

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

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

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

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by that bureau that pertains to a person described by Subsection (a); and

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

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

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

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

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

(B) the State Board for Educator Certification;

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

(D) by court order; or

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

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

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

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

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

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

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

- (1) an applicant for or the holder of:
- (A) a driver education instructor license under Chapter 1001, Education Code;
  - (B) a license under Chapter 202, Occupations Code;
  - (C) a license under Chapter 401, Occupations Code; or
  - (D) a license under Chapter 402, Occupations Code [a license, certificate, registration, title, or permit issued by the department]; [or]

- (2) a person who is:
- (A) an applicant for or the holder of a license under Chapter 91, Labor Code; or
  - (B) a controlling person, as defined by Chapter 91, Labor Code, of an entity described by Paragraph (A); or
- (3) a person who:
- (A) is an applicant for or the holder of a license under Chapter 455, Occupations Code; or

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

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

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

- (1) an applicant for or the holder of:
- (A) a driver education instructor license under Chapter 1001, Education Code;
  - (B) a license under Chapter 202, Occupations Code;
  - (C) a license under Chapter 401, Occupations Code;
  - (D) a license under Chapter 402, Occupations Code [a license, certificate, registration, title, or permit issued by the department]; or
  - (E) an instructor license or motorcycle school license under Chapter 662, Transportation Code;

- (2) a person who is:
- (A) an applicant for or the holder of a license under Chapter 91, Labor Code; or
  - (B) a controlling person, as defined by Chapter 91, Labor Code, of an entity described by Paragraph (A); or
- (3) a person who:
- (A) is an applicant for or the holder of a license under Chapter 455, Occupations Code; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) an applicant for or holder of a license or registration under Chapter 180, 342, 347, 348, 351, 353, 371, 393, or 394, Finance Code;
- (2) an employee of or volunteer with the Office of Consumer Credit Commissioner;
- (3) an applicant for employment with the Office of Consumer Credit Commissioner; ~~[or]~~
- (4) a contractor or subcontractor of the Office of Consumer Credit Commissioner; or
- (5) an officer, director, owner, or employee of a person described by Subdivision (1) or another person having a substantial relationship with that person under Chapter 180, 342, 347, 348, 351, 353, 371, 393, or 394, Finance Code.

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

- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed

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

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

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

- (1) an applicant for or holder of a license or registration under Chapter 180, 342, 347, 348, 351, 353, 371, 393, or 394, Finance Code;
- (2) an employee of or volunteer with the Office of Consumer Credit Commissioner;
- (3) an applicant for employment with the Office of Consumer Credit Commissioner; ~~[or]~~
- (4) a contractor or subcontractor of the Office of Consumer Credit Commissioner; or
- (5) an officer, director, owner, or employee of a person described by Subdivision (1) or another person having a substantial relationship with that person under Chapter 180, 342, 347, 348, 351, 353, 371, 393, or 394, Finance Code.

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

- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed

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by that bureau that pertains to a person described by Subsection (a); and

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

(b) The consumer credit commissioner may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). The consumer credit commissioner may not release or disclose criminal history record information obtained under Subsection (a-1)(2) [this section] unless:

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

[(2) the information is released or disclosed:

[(A)] on court order;

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

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

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

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

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

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by that bureau that pertains to a person described by Subsection (a); and

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

(b) The consumer credit commissioner may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). The consumer credit commissioner may not release or disclose criminal history record information obtained under Subsection (a-1)(2) ~~except~~ [this section ~~unless~~]:

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

[(2) the information is released or disclosed:

[(A)] on court order;

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

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

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

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

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

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

(1) a person who:

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

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

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

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

(A) the Texas Racing Commission; or

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

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

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

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

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

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

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

(1) a person who:

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

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

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

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

(A) the Texas Racing Commission; or

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

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

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

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

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

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

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

(b) The Texas Racing Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Texas Racing Commission [eommission] under Subsection (a-1)(2) [(a)] may not be released or disclosed to any person except [in a criminal proceeding, in a hearing conducted by the commission,] on court order, [or] with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (c) [applicant].

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

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

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

(a) A school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district,

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

(b) The Texas Racing Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Texas Racing Commission [eommission] under Subsection (a-1)(2) [(a)] may not be released or disclosed to any person except [in a criminal proceeding, in a hearing conducted by the commission,] on court order, [or] with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (c) [applicant].

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

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

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

(a) A school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district,

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charter school, or shared services arrangement, is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (c-1) ~~[maintained by the department]~~ that the district, school, service center, shared services arrangement, or entity is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is:

- (1) an applicant for employment by the district, school, service center, or shared services arrangement;
  - (2) an employee of or an applicant for employment with a public or commercial transportation company that contracts with the district, school, service center, or shared services arrangement to provide transportation services if the employee drives or the applicant will drive a bus in which students are transported or is employed or is seeking employment as a bus monitor or bus aide on a bus in which students are transported; ~~[or]~~
  - (3) an employee of or applicant for employment by an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834 ~~[or 22.08341]~~, Education Code;
  - (4) an employee of or applicant for employment by a subcontractor of an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834, Education Code; or
  - (5) a tutor who provides services on behalf of a service provider that offers accelerated or supplemental instruction under Section 28.0211, Education Code.
- (b) A school district, charter school, private school, regional education service center, or education shared services arrangement is entitled to obtain ~~[from the department]~~

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charter school, or shared services arrangement, is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (c-1) ~~[maintained by the department]~~ that the district, school, service center, shared services arrangement, or entity is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is:

- (1) an applicant for employment by the district, school, service center, or shared services arrangement;
  - (2) an employee of or an applicant for employment with a public or commercial transportation company that contracts with the district, school, service center, or shared services arrangement to provide transportation services if the employee drives or the applicant will drive a bus in which students are transported or is employed or is seeking employment as a bus monitor or bus aide on a bus in which students are transported; ~~[or]~~
  - (3) an employee of or applicant for employment by an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834 ~~[or 22.08341]~~, Education Code;
  - (4) an employee of or applicant for employment by a subcontractor of an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834, Education Code; or
  - (5) a tutor who provides services on behalf of a service provider that offers accelerated or supplemental instruction under Section 28.0211, Education Code.
- (b) A school district, charter school, private school, regional education service center, or education shared services arrangement is entitled to obtain ~~[from the department]~~

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criminal history record information as provided by Subsection (c-1) [maintained by the department] that the district, school, service center, or shared services arrangement is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is a volunteer, student teacher, or employee of the district, school, service center, or shared services arrangement.

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

- (1) is a member of the governing body of the school, as defined by Section 12.1012, Education Code; or
- (2) has agreed to serve as a member of the governing body of the school.

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

- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a), (b), or (c), as applicable; and
- (2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a), (b), or (c), as applicable.

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criminal history record information as provided by Subsection (c-1) [maintained by the department] that the district, school, service center, or shared services arrangement is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is a volunteer, student teacher, or employee of the district, school, service center, or shared services arrangement.

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

- (1) is a member of the governing body of the school, as defined by Section 12.1012, Education Code; or
- (2) has agreed to serve as a member of the governing body of the school.

(c-1) Subject to Section 411.087 and consistent with the public policy of this state:

- (1) a school district, charter school, regional education service center, or education shared services arrangement is entitled to obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a), (b), or (c), as applicable; and

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, is entitled to

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

- (1) may not be released to any person except:
  - (A) the individual who is the subject of the information;
  - (B) the Texas Education Agency;
  - (C) the State Board for Educator Certification;
  - (D) the chief personnel officer of the transportation company, if the information is obtained under Subsection (a)(2); or
  - (E) by court order; and
- (2) is not subject to disclosure as provided by Chapter 552[; ~~and~~

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

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

- (1) may not be released to any person except:
  - (A) the individual who is the subject of the information;
  - (B) the Texas Education Agency;
  - (C) the State Board for Educator Certification;
  - (D) the chief personnel officer of the transportation company, if the information is obtained under Subsection (a)(2); or
  - (E) by court order; and
- (2) is not subject to disclosure as provided by Chapter 552[; ~~and~~

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

~~[(A) the first anniversary of the date the information was originally obtained; or~~

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

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

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

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

Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) The State Board of Veterinary Medical Examiners is entitled to obtain

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

~~[(A) the first anniversary of the date the information was originally obtained; or~~

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

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

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

SECTION 20. Same as House version.

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~~[from the department]~~ criminal history record information as provided by Subsection (b) [maintained by the department] that relates to a license under Chapter 801, Occupations Code, for a person who is:

(1) an applicant for:

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

(B) a veterinary technician license; or

(C) an equine dental provider license; or

(2) a holder of a license described by Subdivision (1)(A), (B), or (C) [(1) an applicant for a license to practice equine dentistry under Chapter 801, Occupations Code; or (2) the holder of a license under that chapter].

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

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

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

(c) The State Board of Veterinary Medical Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the State Board of Veterinary Medical Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of

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the criminal history record information, or as provided by Subsection (d).

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

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

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

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

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

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

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

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

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SECTION 21. Same as House version.

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

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

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

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

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

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

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

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

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

(1) an applicant for a license, permit, certificate of authority, certificate of registration, or other authorization issued by the Texas Department [~~State Board~~] of Insurance to engage in an activity regulated under the Insurance Code; or  
(2) a corporate officer or director of an insurance company regulated by the Texas Department of Insurance.

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

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

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

(b) The Texas Department of Insurance may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information

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

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

(1) an applicant for a license, permit, certificate of authority, certificate of registration, or other authorization issued by the Texas Department [~~State Board~~] of Insurance to engage in an activity regulated under the Insurance Code; or  
(2) a corporate officer or director of an insurance company regulated by the Texas Department of Insurance.

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

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

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

(b) The Texas Department of Insurance may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information

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

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

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

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

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

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

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

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

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

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

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

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

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(1) who is a creditor or claimant of the receivership estate;  
or  
(2) against whom the receivership estate has a claim [the receiver believes is necessary for the investigation of any matter relating to a receivership estate].

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

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

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

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

Criminal history record information obtained by a receiver under Subsection (b-1)(2) [(b)] may not be released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

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

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

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(1) who is a creditor or claimant of the receivership estate;  
or  
(2) against whom the receivership estate has a claim [the receiver believes is necessary for the investigation of any matter relating to a receivership estate].

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

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

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

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

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

- (1) a sales agent or an applicant for a sales agent license;
- (2) a person required to be named in a license application;
- (3) a lottery operator or prospective lottery operator who has submitted a written proposal to the commission in connection with the procurement of lottery operations and services by the commission;
- (4) an employee of a lottery operator or prospective lottery operator, if the employee is or will be directly involved in lottery operations;
- (5) a person who manufactures or distributes lottery equipment or supplies or a representative of a person who manufactures or distributes lottery equipment or supplies offered to the lottery;
- (6) a person who has submitted a written bid or proposal to the commission in connection with the procurement of goods or services by the commission, if the amount of the bid or proposal exceeds \$500;
- (7) an employee or other person who works for or will work for a sales agent or an applicant for a sales agent license;
- (8) a person who proposes to enter into or who has a contract with the commission to supply goods or services to the commission;
- (9) if a person described in Subdivisions (1) through (8) of this section is not an individual, an individual who:
  - (A) is an officer or director of the person;

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**Sec. 411.108. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS LOTTERY COMMISSION.**

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

- (1) a sales agent or an applicant for a sales agent license;
- (2) a person required to be named in a license application;
- (3) a lottery operator or prospective lottery operator who has submitted a written proposal to the commission in connection with the procurement of lottery operations and services by the commission;
- (4) an employee of a lottery operator or prospective lottery operator, if the employee is or will be directly involved in lottery operations;
- (5) a person who manufactures or distributes lottery equipment or supplies or a representative of a person who manufactures or distributes lottery equipment or supplies offered to the lottery;
- (6) a person who has submitted a written bid or proposal to the commission in connection with the procurement of goods or services by the commission, if the amount of the bid or proposal exceeds \$500;
- (7) an employee or other person who works for or will work for a sales agent or an applicant for a sales agent license;
- (8) a person who proposes to enter into or who has a contract with the commission to supply goods or services to the commission;
- (9) if a person described in Subdivisions (1) through (8) of this section is not an individual, an individual who:
  - (A) is an officer or director of the person;

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(B) holds more than 10 percent of the stock in the person;  
(C) holds an equitable interest greater than 10 percent in the person;  
(D) is a creditor of the person who holds more than 10 percent of the person's outstanding debt;  
(E) is the owner or lessee of a business that the person conducts or through which the person will conduct lottery-related activities;  
(F) shares or will share in the profits, other than stock dividends, of the person;  
(G) participates in managing the affairs of the person; or  
(H) is an employee of the person who is or will be involved in:  
(i) selling tickets; or  
(ii) handling money from the sale of tickets;  
(10) the executive director or a prospective executive director of the commission;  
(11) an employee or prospective employee of the commission; or  
(12) a sales agent whose license is renewed under Section 466.158.  
(a-1) The Texas Lottery Commission is entitled to obtain from the department criminal history record information as provided by Subsection (a-2) [maintained by the department] that relates to a person licensed under Chapter 2001, Occupations Code, or described by Section 2001.3025, Occupations Code.  
(a-2) Subject to Sections 411.087, 466.201, and 467.036(b) of this code and Section 2001.3025, Occupations Code, and consistent with the public policy of this state, the Texas Lottery Commission is entitled to:

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(B) holds more than 10 percent of the stock in the person;  
(C) holds an equitable interest greater than 10 percent in the person;  
(D) is a creditor of the person who holds more than 10 percent of the person's outstanding debt;  
(E) is the owner or lessee of a business that the person conducts or through which the person will conduct lottery-related activities;  
(F) shares or will share in the profits, other than stock dividends, of the person;  
(G) participates in managing the affairs of the person; or  
(H) is an employee of the person who is or will be involved in:  
(i) selling tickets; or  
(ii) handling money from the sale of tickets;  
(10) the executive director or a prospective executive director of the commission;  
(11) an employee or prospective employee of the commission; or  
(12) a sales agent whose license is renewed under Section 466.158.  
(a-1) The Texas Lottery Commission is entitled to obtain from the department criminal history record information as provided by Subsection (a-2) [maintained by the department] that relates to a person licensed under Chapter 2001, Occupations Code, or described by Section 2001.3025, Occupations Code.  
(a-2) Subject to Sections 411.087, 466.201, and 467.036(b) of this code and Section 2001.3025, Occupations Code, and consistent with the public policy of this state, the Texas Lottery Commission is entitled to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SECTION 25. Same as House version.

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- (1) handling currency, checks, or other funds;
- (2) having access to taxpayer account information;
- (3) working in a location designated by the comptroller as a security-sensitive area; ~~or~~
- (4) performing financial management duties designated by the comptroller as security sensitive;
- (5) performing work on a computer system; or
- (6) having remote access to comptroller computer systems, information technology, or information technology resources.
- (c) Subject to Section 411.087 and consistent with the public policy of this state, the comptroller is entitled to:
  - (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a) or (b); and
  - (2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a) or (b).
- (d) The comptroller may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c)(1). Criminal history record information obtained by the comptroller under Subsection (c)(2) [~~Subsections (a), (b), and (e)~~] may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (e) or (f).
- (f) The comptroller is not prohibited from disclosing criminal history record information obtained under

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Subsection (c)(2) in a criminal proceeding or in a hearing conducted by the comptroller.

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

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

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

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

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

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

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

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

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

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

(B) the South Texas Health Care System;

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

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

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

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

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

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

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

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

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

(B) the South Texas Health Care System;

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

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

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

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

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

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

(b) The Department of State Health Services or the Health and Human Services Commission, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history

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

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

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

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

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

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

(b) The Department of State Health Services or the Health and Human Services Commission, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history

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record information obtained by the Department of State Health Services or the Health and Human Services Commission under Subsection (a-1)(2) [(a)] may not be released or disclosed to any person except:

(1) on court order;

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

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

(4) [~~;~~] as provided by Subsection (e).

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

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

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

(e) The Department of State Health Services or the Health and Human Services Commission, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) [(a)] in a

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record information obtained by the Department of State Health Services or the Health and Human Services Commission under Subsection (a-1)(2) [(a)] may not be released or disclosed to any person except:

(1) on court order;

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

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

(4) [~~;~~] as provided by Subsection (e).

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

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

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

(e) The Department of State Health Services or the Health and Human Services Commission, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) [(a)] in a

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criminal proceeding or in a hearing conducted by the Department of State Health Services or the Health and Human Services Commission, as applicable.

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

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

(1) who is:

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

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

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

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

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

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criminal proceeding or in a hearing conducted by that agency ~~[the Department of State Health Services or the Health and Human Services Commission, as applicable].~~

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

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

(1) who is:

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

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

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

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

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

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

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

(1) on court order;

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

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

(4) as provided by Subsection (c).

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

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

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

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

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

(1) on court order;

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

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

(4) as provided by Subsection (c).

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

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

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

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by that bureau that pertains to a person described by Subsection (a); and

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

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

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

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

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

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

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by that bureau that pertains to a person described by Subsection (a); and

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

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

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

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

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

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

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

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

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

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

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

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

(1) on court order;

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

(3) as provided by Subsection (d).

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

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

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

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

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

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

(1) on court order;

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

(3) as provided by Subsection (d).

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

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

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

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

(b) The executive commissioner of the commission, or the executive commissioner's designee, is entitled to obtain [~~from the department~~] criminal history record information as provided by Subsection (f) [maintained by the department] that relates to a person required to be fingerprinted who is:

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

(A) the eligibility services division of the commission as established under Section 531.008; [ø]

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

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

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

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

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

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

(A) the eligibility services division of the commission as established under Section 531.008; [ø]

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- (B) the commission's office of inspector general as established by Section 531.008 and Subchapter C, Chapter 531; or
- (C) the regulatory ~~services~~ division of the commission as established under Section 531.008; or
- (2) an employee of or a contractor or volunteer for the commission who has access to sensitive personal or financial information, as determined by the executive commissioner.
- (b-1) Subject to Section 411.087 and consistent with the public policy of this state, the commission is entitled to:
- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and
- (2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).
- (c) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). Criminal history record information obtained by the executive commissioner of the commission, or by the executive commissioner's designee, under Subsection (b-1)(2) [(b)] may not be released or disclosed, except:
- (1) if the information is in a public record at the time the information is obtained;
- (2) on court order;
- (3) to a criminal justice agency, upon request;
- (4) with the consent of the person who is the subject of the criminal history record information; or
- (5) as provided by Subsection (d).

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- (B) the commission's office of inspector general as established by Section 531.008 and Subchapter C, Chapter 531; or
- (C) the regulatory division of the commission as established under Section 531.008; or
- (2) an employee of or a contractor or volunteer for the commission who has access to sensitive personal or financial information, as determined by the executive commissioner.
- (b-1) Subject to Section 411.087 and consistent with the public policy of this state, the commission is entitled to:
- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and
- (2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).
- (c) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). Criminal history record information obtained by the executive commissioner of the commission, or by the executive commissioner's designee, under Subsection (b-1)(2) [(b)] may not be released or disclosed, except:
- (1) if the information is in a public record at the time the information is obtained;
- (2) on court order;
- (3) to a criminal justice agency, upon request;
- (4) with the consent of the person who is the subject of the criminal history record information; or
- (5) as provided by Subsection (d).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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by that bureau that pertains to a person described by Subsection (a); and

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

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

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

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

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

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by that bureau that pertains to a person described by Subsection (a); and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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- (F) a registered volunteer with the Department of Family and Protective Services or the Health and Human Services Commission;
- (G) a person providing or applying to provide in-home, adoptive, or foster care for children in the care of the Department of Family and Protective Services or the Health and Human Services Commission and other persons living in the residence in which the child will reside;
- (H) a Department of Family and Protective Services employee or a Health and Human Services Commission employee who is engaged in the direct delivery of protective services to children, elderly persons, or persons with a disability;
- (I) an alleged perpetrator in a report the Department of Family and Protective Services or the Health and Human Services Commission receives alleging that the person has abused, neglected, or exploited a child, an elderly person, or a person with a disability, provided that:
  - (i) the report alleges the person has engaged in conduct that meets the applicable definition of abuse, neglect, or exploitation under Chapter 261, Family Code, or Chapter 48, Human Resources Code; and
  - (ii) the person is not also the victim of the alleged conduct;
- (J) a person providing child care for a child who is in the care of the Department of Family and Protective Services or the Health and Human Services Commission and who is or will be receiving adoptive, foster, or in-home care;
- (K) through a contract with a nonprofit management center, an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with a nonprofit, tax-exempt organization that provides any service that involves

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- (F) a registered volunteer with the Department of Family and Protective Services or the Health and Human Services Commission;
- (G) a person providing or applying to provide in-home, adoptive, or foster care for children in the care of the Department of Family and Protective Services or the Health and Human Services Commission and other persons living in the residence in which the child will reside;
- (H) a Department of Family and Protective Services employee or a Health and Human Services Commission employee who is engaged in the direct delivery of protective services to children, elderly persons, or persons with a disability;
- (I) an alleged perpetrator in a report the Department of Family and Protective Services or the Health and Human Services Commission receives alleging that the person has abused, neglected, or exploited a child, an elderly person, or a person with a disability, provided that:
  - (i) the report alleges the person has engaged in conduct that meets the applicable definition of abuse, neglect, or exploitation under Chapter 261, Family Code, or Chapter 48, Human Resources Code; and
  - (ii) the person is not also the victim of the alleged conduct;
- (J) a person providing child care for a child who is in the care of the Department of Family and Protective Services or the Health and Human Services Commission and who is or will be receiving adoptive, foster, or in-home care;
- (K) through a contract with a nonprofit management center, an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with a nonprofit, tax-exempt organization that provides any service that involves

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the care of or access to a child, an elderly person, or a person with a disability; or

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

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

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

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

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

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

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the care of or access to a child, an elderly person, or a person with a disability; or

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

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

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

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

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

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

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the employee, applicant, volunteer, or applicant volunteer has or will have access to that confidential information;

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

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

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

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

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

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

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

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

(M) a person 14 years of age or older who will be regularly or frequently working or staying in a host home that is

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the employee, applicant, volunteer, or applicant volunteer has or will have access to that confidential information;

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

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

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

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

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

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

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

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

(M) a person 14 years of age or older who will be regularly or frequently working or staying in a host home that is

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providing supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services or the Health and Human Services Commission, as applicable;

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

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

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

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

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

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

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

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providing supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services or the Health and Human Services Commission, as applicable;

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

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

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

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

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

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

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

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or Health and Human Services Commission workers, as applicable.

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

- (A) on court order;
- (B) with the consent of the person who is the subject of the criminal history record information;
- (C) for purposes of an administrative hearing held by the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, concerning the person who is the subject of the criminal history record information; or
- (D) as provided by Subdivision (7).

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

- (A) the person who is the subject of the criminal history record information;
- (B) a child-placing agency listed in Subdivision (2) that is seeking to verify or approve a foster or adoptive home under procedures authorized by federal law;
- (C) an adult who resides with an alleged victim of abuse, neglect, or exploitation of a child, elderly person, or person

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or Health and Human Services Commission workers, as applicable.

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

- (A) on court order;
- (B) with the consent of the person who is the subject of the criminal history record information;
- (C) for purposes of an administrative hearing held by the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, concerning the person who is the subject of the criminal history record information; or
- (D) as provided by Subdivision (7).

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

- (A) the person who is the subject of the criminal history record information;
- (B) a child-placing agency listed in Subdivision (2) that is seeking to verify or approve a foster or adoptive home under procedures authorized by federal law;
- (C) an adult who resides with an alleged victim of abuse, neglect, or exploitation of a child, elderly person, or person

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with a disability and who also resides with the alleged perpetrator of that abuse, neglect, or exploitation if:

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

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

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

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

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

No equivalent provision.

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with a disability and who also resides with the alleged perpetrator of that abuse, neglect, or exploitation if:

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

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

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

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

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

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

(d) The Department of Family and Protective Services and the Health and Human Services Commission, as applicable, shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

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

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

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

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

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

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

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

(b) The Health and Human Services Commission may not release or disclose to any person criminal history record

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

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

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

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

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

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

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

(b) The Health and Human Services Commission may not release or disclose to any person criminal history record

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

(1) on court order;

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

(3) as provided by Subsection (d).

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

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

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

(a) The Health and Human Services Commission, an agency operating part of the medical assistance program under Chapter 32, Human Resources Code, or the office of inspector general established under Chapter 531, Government Code, is entitled to obtain [from the department

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

(1) on court order;

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

(3) as provided by Subsection (d).

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

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

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

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

(a) The Health and Human Services Commission, an agency operating part of the medical assistance program under Chapter 32, Human Resources Code, or the office of inspector general established under Chapter 531, Government Code, is entitled to obtain [from the department

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~~the~~] criminal history record information as provided by Subsection (a-2) [maintained by the department] that relates to a provider under the medical assistance program or a person applying to enroll as a provider under the medical assistance program.

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

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

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

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

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

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

(b) The Health and Human Services Commission or the office of inspector general may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-2)(1). Criminal history record information obtained by the Health

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~~the~~] criminal history record information as provided by Subsection (a-2) [maintained by the department] that relates to a provider under the medical assistance program or a person applying to enroll as a provider under the medical assistance program.

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

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

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

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

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

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

(b) The Health and Human Services Commission or the office of inspector general, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-2)(1). Criminal history record information

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~~and Human Services Commission or the office of inspector general [commission or an agency] under~~

Subsection (a-2)(2) [(a)] may not be released or disclosed to any person except in a criminal proceeding, in an administrative proceeding, on court order, or with the consent of the provider or applicant.

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

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

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

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

(1) who is:

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

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obtained by the ~~Health and Human Services Commission or the office of inspector general [commission or an agency]~~ under Subsection (a-2)(2) [(a)] may not be released or disclosed to any person except in a criminal proceeding, in an administrative proceeding, on court order, or with the consent of the provider or applicant.

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

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

SECTION 35. Section 411.1144, Government Code, is amended to read as follows:

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

(1) who is:

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

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

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

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

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

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

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

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

(1) on court order;

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

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

(4) as provided by Subsection (c).

(c) The Health and Human Services Commission is prohibited from releasing criminal history record information obtained under Subsection (d)(1) to the person who is the subject of the criminal history record information. The Health and Human Services Commission [~~An agency~~]

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

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

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

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

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

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

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

(1) on court order;

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

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

(4) as provided by Subsection (c).

(c) The Health and Human Services Commission is prohibited from releasing criminal history record information obtained under Subsection (d)(1) to the person who is the subject of the criminal history record information. The Health and Human Services Commission [~~An agency~~]

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is not prohibited from releasing criminal history record information obtained under Subsection (d)(2) ~~[(a) or (d)]~~ to the person who is the subject of the criminal history record information.

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

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

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

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

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

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

(b) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, is entitled to obtain ~~from~~

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is not prohibited from releasing criminal history record information obtained under Subsection (d)(2) ~~[(a) or (d)]~~ to the person who is the subject of the criminal history record information.

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

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

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

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

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

SECTION 36. Section 411.115, Government Code, is amended by amending Subsections (b), (d), and (e) and adding Subsections (c) and (f) to read as follows:

(b) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, is entitled to obtain ~~from~~

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~~the department~~] criminal history record information as provided by Subsection (c) [maintained by the department] that relates to a person:

(1) who is:

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

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

(C) an applicant for employment with or an employee of a business or person ~~who [that]~~ contracts with the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center to provide residential services to patients with mental illness or clients with an intellectual or developmental disability who were furloughed or discharged from a Department of State Health Services facility, a Health and Human Services Commission facility, or a community center, as applicable;

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

(E) a volunteer applicant; and

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

(c) Subject to Section 411.087 and consistent with the public policy of this state, the Department of State Health Services,

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~~the department~~] criminal history record information as provided by Subsection (c) [maintained by the department] that relates to a person:

(1) who is:

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

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

(C) an applicant for employment with or an employee of a business or person ~~who [that]~~ contracts with the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center to provide residential services to patients with mental illness or clients with an intellectual or developmental disability who were furloughed or discharged from a Department of State Health Services facility, a Health and Human Services Commission facility, or a community center, as applicable;

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

(E) a volunteer applicant; and

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

(c) Subject to Section 411.087 and consistent with the public policy of this state, the Department of State Health Services,

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the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, is entitled to:

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

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

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

(e) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, shall ~~collect and~~ destroy criminal history record information obtained under this

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the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, is entitled to:

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

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

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

(e) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, shall ~~collect and~~ destroy criminal history record information obtained under this

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~~section after the information is used for its authorized purpose [that relates to a person immediately after making an employment decision or taking a personnel action relating to the person who is the subject of the criminal history record information].~~

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

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

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

- (1) a nurse aide certification with inclusion in the nurse aide registry established under Chapter 250, Health and Safety Code;
- (2) a medication aide permit issued under Chapter 142, Health and Safety Code; or
- (3) a nursing facility administrator license issued under Chapter 242, Health and Safety Code.

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~~section after the information is used for its authorized purpose [that relates to a person immediately after making an employment decision or taking a personnel action relating to the person who is the subject of the criminal history record information].~~

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

SECTION 37. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1161 to read as follows:

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

- (1) a nurse aide certification with inclusion in the nurse aide registry established under Chapter 250, Health and Safety Code;
- (2) a medication aide permit issued under Chapter 142, Health and Safety Code; or
- (3) a nursing facility administrator license issued under Chapter 242, Health and Safety Code.

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

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

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

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

(1) on court order;

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

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

(4) as provided by Subsection (d).

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

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

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

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

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

(1) on court order;

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

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

(4) as provided by Subsection (d).

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

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

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

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

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

- (1) Texas Appraiser Licensing and Certification Board;
- (2) Texas Board of Architectural Examiners;
- (3) Texas Board of Chiropractic Examiners;
- (4) State Board of Dental Examiners;
- (5) Texas Board of Professional Engineers and Land Surveyors;
- (6) Texas Funeral Service Commission;
- (7) Texas Board of Professional Geoscientists;
- (8) Health and Human Services Commission, except as provided by Section 411.110, and agencies attached to the commission;
- (9) Texas Department of Licensing and Regulation, ~~except as provided by Section 411.093~~;
- (10) Texas Commission on Environmental Quality;
- (11) Executive Council [~~Texas Board~~] of Physical Therapy and Occupational Therapy Examiners;
- (12) Texas Optometry Board;
- (13) Texas State Board of Pharmacy;

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

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

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

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

- (1) Texas Appraiser Licensing and Certification Board;
- (2) Texas Board of Architectural Examiners;
- (3) Texas Board of Chiropractic Examiners;
- (4) State Board of Dental Examiners;
- (5) Texas Board of Professional Engineers and Land Surveyors;
- (6) Texas Funeral Service Commission;
- (7) Texas Board of Professional Geoscientists;
- (8) Health and Human Services Commission, except as provided by Section 411.110, and agencies attached to the commission;
- (9) Texas Department of Licensing and Regulation[, ~~except as provided by Section 411.093~~];
- (10) Texas Commission on Environmental Quality;
- (11) Executive Council [~~Texas Board~~] of Physical Therapy and Occupational Therapy Examiners;
- (12) Texas Optometry Board;
- (13) Texas State Board of Pharmacy;

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(14) ~~[(14)]~~ Texas Board of Physical Therapy Examiners;  
~~[(15)]~~ Texas State Board of Plumbing Examiners;  
~~(15)~~ ~~[(16)]~~ Texas State Board of Examiners of Psychologists;  
~~(16)~~ ~~[(17)]~~ Texas Real Estate Commission;  
~~(17)~~ ~~[(18)]~~ Texas Department of Transportation;  
~~(18)~~ ~~[(19)]~~ State Board of Veterinary Medical Examiners;  
~~(19)~~ ~~[(20)]~~ Texas Department of Housing and Community Affairs;  
~~(20)~~ ~~[(21)]~~ secretary of state;  
~~(21)~~ ~~[(22)]~~ state fire marshal;  
~~(22)~~ ~~[(23)]~~ Texas Education Agency;  
~~(23)~~ ~~[(24)]~~ Department of Agriculture; and  
~~(24)~~ ~~[(25)]~~ Texas Department of Motor Vehicles.

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

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

- (1) is an applicant for vocational, registered, or advanced practice registered nurse licensure, or the holder of a license issued by the board;
- (2) has requested a determination of eligibility for a license from the board; ~~[or]~~
- (3) is subject to investigation by the board in connection with a complaint or formal charge against the person; or

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(14) ~~[(14)]~~ Texas Board of Physical Therapy Examiners;  
~~[(15)]~~ Texas State Board of Plumbing Examiners;  
~~(15)~~ ~~[(16)]~~ Texas State Board of Examiners of Psychologists;  
~~(16)~~ ~~[(17)]~~ Texas Real Estate Commission;  
~~(17)~~ ~~[(18)]~~ Texas Department of Transportation;  
~~(18)~~ ~~[(19)]~~ State Board of Veterinary Medical Examiners;  
~~(19)~~ ~~[(20)]~~ Texas Department of Housing and Community Affairs;  
~~(20)~~ ~~[(21)]~~ secretary of state;  
~~(21)~~ ~~[(22)]~~ state fire marshal;  
~~(22)~~ ~~[(23)]~~ Texas Education Agency;  
~~(23)~~ ~~[(24)]~~ Department of Agriculture; and  
~~(24)~~ ~~[(25)]~~ Texas Department of Motor Vehicles.

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

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

- (1) is an applicant for vocational, registered, or advanced practice registered nurse licensure, or the holder of a license issued by the board;
- (2) has requested a determination of eligibility for a license from the board; ~~[or]~~
- (3) is subject to investigation by the board in connection with a complaint or formal charge against the person; or

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(4) is accepted for enrollment in a nursing education program that prepares the person for licensure as a vocational, registered, or advanced practice registered nurse.  
(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Board of Nursing is entitled to:  
(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and  
(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).  
(c) The Texas Board of Nursing may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Nursing under Subsection (b)(2) may not be released or disclosed to any person except:  
(1) as required under a court order;  
(2) to a nursing board that is a member of the nurse licensure compact under Chapter 304, Occupations Code;  
(3) with the written consent of the person or entity that is the subject of the criminal history record information; or  
(4) as provided by Subsection (d).  
(d) The Texas Board of Nursing is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding, in a contested case proceeding conducted by the State Office of Administrative Hearings, or as part of an appeal of a contested case proceeding.

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(4) is accepted for enrollment in a nursing education program that prepares the person for licensure as a vocational, registered, or advanced practice registered nurse.  
(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Board of Nursing is entitled to:  
(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and  
(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).  
(c) The Texas Board of Nursing may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Nursing under Subsection (b)(2) may not be released or disclosed to any person except:  
(1) as required under a court order;  
(2) to a nursing board that is a member of the nurse licensure compact under Chapter 304, Occupations Code;  
(3) with the written consent of the person who is the subject of the criminal history record information; or  
(4) as provided by Subsection (d).  
(d) The Texas Board of Nursing is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding, in a contested case proceeding conducted by the State Office of Administrative Hearings, or as part of an appeal of a contested case proceeding.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 411.12503. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF CHIROPRACTIC EXAMINERS. (a) The Texas Board of Chiropractic Examiners is entitled to obtain criminal history

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

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

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

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

SECTION 42. Same as House version.

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record information as provided by Subsection (b) that relates to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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SECTION 43. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12504 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(1) contracts or subcontracts to provide services to a school district, charter school, or shared services arrangement; and (2) is determined eligible by the department to obtain criminal history record information under the National Child Protection Act of 1993 (34 U.S.C. Section 40101 et seq.) for an employee, applicant for employment, or volunteer of the qualified school contractor.

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

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

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

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

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

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

(B) by court order; or

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

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

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(1) contracts or subcontracts to provide services to a school district, charter school, or shared services arrangement; and (2) is determined eligible by the department to obtain criminal history record information under the National Child Protection Act of 1993 (34 U.S.C. Section 40101 et seq.) for an employee, applicant for employment, or volunteer of the qualified school contractor.

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

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

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

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

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

(C) by court order; or

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

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

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

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

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

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

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

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

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

(B) Chapter 1903, Occupations Code; or

(C) Chapters 26 and 37, Water Code;

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

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

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

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

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

SECTION 45. Same as House version.

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

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

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

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

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

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

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

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

(1) a person who is:

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 411.12508. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: MANUFACTURED HOUSING DIVISION. (a) The manufactured housing division of the Texas Department of Housing and

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Community Affairs is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

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

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

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

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

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

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

(d) The manufactured housing division is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the manufactured housing division.

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Certified public documents that contain criminal history record information described by Subsection (b)(2) but that the division does not obtain under that subdivision may be used in a criminal or civil proceeding or in a hearing conducted by the manufactured housing division.

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

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

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

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

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

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

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

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

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

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

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

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(c) The state fire marshal may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the state fire marshal under Subsection (b)(2) may not be disclosed or released to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).  
(d) The state fire marshal is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the state fire marshal.  
(e) The state fire marshal shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

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

Sec. 411.12510. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS MEDICAL BOARD.

(a) The Texas Medical Board is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

- (1) an applicant for or holder of a license to practice medicine;
- (2) an applicant for or holder of a license to practice as a physician assistant;
- (3) an applicant for or holder of a license to practice as an acupuncturist;

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(c) The state fire marshal may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the state fire marshal under Subsection (b)(2) may not be disclosed or released to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).  
(d) The state fire marshal is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the state fire marshal.  
(e) The state fire marshal shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

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- (4) an applicant for or holder of a certificate to practice as an acudetox specialist;
- (5) an applicant for or holder of a license to practice as a surgical assistant;
- (6) an applicant for or holder of a general certificate to perform radiologic procedures, limited certificate to perform radiologic procedures only on specific parts of the body, or radiologist assistant certificate;
- (7) an applicant for or holder of a placement on the registry of noncertified technicians;
- (8) an employee of an applicant for a hardship exemption;
- (9) an applicant for or holder of a license to practice as a medical physicist;
- (10) an applicant for or holder of a license to practice as a perfusionist;
- (11) an applicant for or holder of a license to practice as a respiratory care practitioner; and
- (12) an applicant for or holder of a pain management clinic certificate.
- (b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Medical Board is entitled to:
  - (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and
  - (2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).
- (c) The Texas Medical Board may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection

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(b)(1). Criminal history record information obtained by the Texas Medical Board under Subsection (b)(2) may not be released or disclosed to any person, except as provided by Subsection (d).

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

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

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

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

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

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

(3) who is an officer, director, member, manager, principal, partner, trustee, or other person acting in a representative capacity for an applicant, general distinguishing number holder, or license holder and whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Chapter 503,

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Transportation Code, or Chapter 2301 or 2302, Occupations Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The Texas Optometry Board may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Optometry Board under Subsection (b)(2) may not be released or disclosed to any person except on court order.

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with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

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

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

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

Sec. 411.12513. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS. (a) The Executive Council of Physical Therapy and Occupational Therapy Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:  
(1) an applicant for or the holder of a physical therapist or physical therapist assistant license under Chapter 453, Occupations Code; or  
(2) an applicant for or the holder of an occupational therapist or occupational therapy assistant license under Chapter 454, Occupations Code.

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

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SECTION 52. Same as House version.

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

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

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

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

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

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

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

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

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

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

(c) The Texas State Board of Plumbing Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history

SENATE VERSION (CS)

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

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

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

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

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

(c) The Texas State Board of Plumbing Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) an applicant for an appraiser trainee license, a residential appraiser license, a residential appraiser certificate or a general appraiser certificate or renewal of an appraiser trainee license, a residential appraiser license, a residential appraiser certificate, or general appraiser certificate under Chapter 1103, Occupations Code; or

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

(d) Subject to Section 411.087 of this code and Sections 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031, Occupations Code, and consistent with the public policy of this state, the commission and the board are entitled to:

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

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

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

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

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

(1) an applicant for an appraiser trainee license, a residential appraiser license, a residential appraiser certificate, or a general appraiser certificate or renewal of an appraiser trainee license, a residential appraiser license, a residential appraiser certificate, or a general appraiser certificate under Chapter 1103, Occupations Code; or

(2) an applicant for registration or renewal of a registration as an appraisal management company under Chapter 1104, Occupations Code.

(d) Subject to Section 411.087 of this code and Sections 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031, Occupations Code, and consistent with the public policy of this state, the commission and the board are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b) or (c); and

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(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b) or (c).

(e) The commission or the board, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (d)(1). Neither the commission nor the board is prohibited from disclosing criminal history record information obtained under Subsection (d)(2) in a criminal proceeding or in a hearing conducted by the State Office of Administrative Hearings.

(f) The commission or board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 54. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12516 to read as follows:

Sec. 411.12516. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. (a) The Texas Board of Professional Engineers and Land Surveyors is entitled to obtain criminal history record information as provided by Subsection (b) that relates to an applicant for or holder of a license under Chapters 1001 and 1071, Occupations Code.

(b) Subject to Section 411.087 of this code and Section 1001.272, Occupations Code, and consistent with the public

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(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b) or (c).

(e) The commission or the board, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (d)(1). The commission or the board, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (d)(2) in a criminal proceeding or in a hearing conducted by the State Office of Administrative Hearings on behalf of that agency.

(f) The commission or board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 55. Same as House version.

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policy of this state, the Texas Board of Professional Engineers and Land Surveyors is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Professional Engineers and Land Surveyors may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Professional Engineers and Land Surveyors under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Board of Professional Engineers and Land Surveyors is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Board of Professional Engineers and Land Surveyors.

(e) The Texas Board of Professional Engineers and Land Surveyors shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

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SECTION 55. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12517 to read as follows:

Sec. 411.12517. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PHARMACY. (a) The Texas State Board of Pharmacy is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for or holder of a license, certificate, registration, permit, or other authorization under Chapters 557, 558, 559, and 568, Occupations Code;

(2) is an applicant for or holder of a Class A, Class B, Class C, Class D, or Class E pharmacy license under Chapters 560 and 561, Occupations Code;

(3) requests a determination of eligibility for a license, certificate, registration, permit, or other authorization from the Texas State Board of Pharmacy; or

(4) is an applicant for employment at or current employee of the Texas State Board of Pharmacy.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas State Board of Pharmacy is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas State Board of Pharmacy may not release or disclose to any person criminal history record information

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SECTION 56. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.12517 to read as follows:

Sec. 411.12517. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PHARMACY. (a) The Texas State Board of Pharmacy is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for or holder of a license, certificate, registration, permit, or other authorization under Chapters 557, 558, 559, and 568, Occupations Code;

(2) is an applicant for or holder of a Class A, Class B, Class C, Class D, or Class E pharmacy license under Chapters 560 and 561, Occupations Code;

(3) requests a determination of eligibility for a license, certificate, registration, permit, or other authorization from the Texas State Board of Pharmacy; or

(4) is an applicant for employment at or current employee of the Texas State Board of Pharmacy.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas State Board of Pharmacy is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas State Board of Pharmacy may not release or disclose to any person criminal history record information

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obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas State Board of Pharmacy under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas State Board of Pharmacy is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas State Board of Pharmacy or State Office of Administrative Hearings.

(e) The Texas State Board of Pharmacy shall destroy criminal history record information obtained under this section after a final determination is made in the matter for which the information was obtained.

SECTION 56. The heading to Section 411.1296, Government Code, is amended to read as follows:

Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT, [AND] APPOINTMENT TO APPRAISAL REVIEW BOARD FOR APPRAISAL DISTRICT, AND APPLICANT TO TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD.

SECTION 57. Section 411.1296, Government Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1), (d), (e), and (f) to read as follows:

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obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas State Board of Pharmacy under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas State Board of Pharmacy is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas State Board of Pharmacy or the State Office of Administrative Hearings.

(e) The Texas State Board of Pharmacy shall destroy criminal history record information obtained under this section after a final determination is made in the matter for which the information was obtained.

SECTION 57. Same as House version.

SECTION 58. Section 411.1296, Government Code, is amended by amending Subsections (a) and (c) and adding Subsections (a-1), (d), (e), and (f) to read as follows:

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(a) Except as provided by Subsection (b), an appraisal district established by Section 6.01, Tax Code, and the Texas Appraiser Licensing and Certification Board are [is] entitled to obtain [from the department] criminal history record information as provided by Subsection (a-1) [maintained by the department] that relates to a person who is an applicant for employment by the appraisal district, [or for] appointment to the appraisal review board for the appraisal district, or a license or certification as an appraiser trainee, licensed residential appraiser, certified residential appraiser, certified general appraiser, or an appraisal management company regulated by the Texas Appraiser Licensing and Certification Board.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, an appraisal district and the Texas Appraiser Licensing and Certification Board are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The appraisal district may provide criminal history record information obtained under Subsection (a-1)(2) [this section] to the local administrative district judge or to the appraisal review board commissioners appointed by the local administrative district judge.

(d) An appraisal district or the Texas Appraiser Licensing and Certification Board, as applicable, may not release or disclose to any person criminal history record information

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(a) Except as provided by Subsection (b), an appraisal district established by Section 6.01, Tax Code, and the Texas Appraiser Licensing and Certification Board are [is] entitled to obtain [from the department] criminal history record information as provided by Subsection (a-1) [maintained by the department] that relates to a person who is an applicant for employment by the appraisal district, [or] for appointment to the appraisal review board for the appraisal district, for a license or certification as an appraiser trainee, licensed residential appraiser, certified residential appraiser, or certified general appraiser, or for an appraisal management company regulated by the Texas Appraiser Licensing and Certification Board.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, an appraisal district and the Texas Appraiser Licensing and Certification Board are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The appraisal district may provide criminal history record information obtained under Subsection (a-1)(2) [this section] to the local administrative district judge or to the appraisal review board commissioners appointed by the local administrative district judge.

(d) An appraisal district or the Texas Appraiser Licensing and Certification Board, as applicable, may not release or disclose to any person criminal history record information

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obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by an appraisal district or the Texas Appraiser Licensing and Certification Board under Subsection (a-1)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (c).

(e) An appraisal district or the Texas Appraiser Licensing and Certification Board is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by an appraisal district or the Texas Appraiser Licensing and Certification Board.

(f) An appraisal district or the Texas Appraiser Licensing and Certification Board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 58. Section 411.1386, Government Code, is amended by amending Subsections (a), (a-6), (b), (c), (g), and (h) and adding Subsections (a-7), (c-1), and (j) to read as follows:

(a) Except as provided by Subsections (a-1)~~[(a-5),]~~ and (a-6), the clerk of the county having venue over a proceeding for the appointment of a guardian under Title 3, Estates Code, shall obtain ~~[from the department]~~ criminal history record information as provided by Subsection (a-7) [maintained by the department] that relates to:

(1) a private professional guardian;

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obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by an appraisal district or the Texas Appraiser Licensing and Certification Board under Subsection (a-1)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsections (c) and (e).

(e) An appraisal district or the Texas Appraiser Licensing and Certification Board is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by an appraisal district or the Texas Appraiser Licensing and Certification Board.

(f) An appraisal district or the Texas Appraiser Licensing and Certification Board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 59. Section 411.1386, Government Code, is amended by amending Subsections (a), (a-6), (b), (c), (g), and (h) and adding Subsections (a-7) and (c-1) to read as follows:

(a) Except as provided by Subsections (a-1)~~[(a-5),]~~ and (a-6), the clerk of the county having venue over a proceeding for the appointment of a guardian under Title 3, Estates Code, shall obtain ~~[from the department]~~ criminal history record information as provided by Subsection (a-7) [maintained by the department] that relates to[:

~~[(1) a private professional guardian;~~

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(2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;

(3) each person employed by a private professional guardian who will:

(A) have personal contact with a ward or proposed ward;

(B) exercise control over and manage a ward's estate; or

(C) perform any duties with respect to the management of a ward's estate;

(4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or

(5) any other person proposed to serve as a guardian under Title 3, Estates Code, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

(a-6) The clerk described by Subsection (a) is not required to obtain criminal history record information from the department for a person if the Judicial Branch Certification Commission conducted a criminal history check on the person under Sections 155.203 and 155.207 [Chapter 155]. The commission shall provide to the clerk [at the court's request] the criminal history record information that was obtained from the department [or the Federal Bureau of Investigation]. The clerk shall, in accordance with Subsection (a-7)(1), obtain criminal history record information from the Federal Bureau of Investigation identification division relating to any person described by Subsection (a) regardless of whether the Judicial Branch

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~~(2) each person who represents or plans to represent the interests of a ward as a guardian on behalf of the private professional guardian;~~

~~(3) each person employed by a private professional guardian who will:~~

~~(A) have personal contact with a ward or proposed ward;~~

~~(B) exercise control over and manage a ward's estate; or~~

~~(C) perform any duties with respect to the management of a ward's estate;~~

~~(4) each person employed by or volunteering or contracting with a guardianship program to provide guardianship services to a ward of the program on the program's behalf; or~~

~~(5) any [other] person proposed to serve as a guardian under Title 3, Estates Code, including a proposed temporary guardian, [and] a proposed successor guardian, or any person who will have contact with the proposed ward or the proposed ward's estate on behalf of the proposed guardian, other than an attorney or a certified guardian.~~

(a-6) The clerk described by Subsection (a) is not required to obtain criminal history record information from the department for a person if the Judicial Branch Certification Commission conducted a criminal history check on the person under Sections 155.203 and 155.207 [Chapter 155]. The commission shall provide to the clerk [at the court's request] the criminal history record information that was obtained from the department [or the Federal Bureau of Investigation]. The clerk shall, in accordance with Subsection (a-7)(1), obtain criminal history record information from the Federal Bureau of Investigation identification division relating to any person described by Subsection (a).

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Certification Commission obtains criminal history record information relating to that person.

(a-7) Subject to Section 411.087 and consistent with the public policy of this state, the clerk described by Subsection (a) is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained by or provided to a clerk under this section [Subsection (a), (a-5), or (a-6)] is for the exclusive use of the court and is privileged and confidential.

(c) A clerk may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-7)(1). Criminal history record information obtained by or provided to a clerk under Subsection (a-7)(2) [(a), (a-5),] or (a-6) may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) The clerk shall [may] destroy the criminal history record information after the information is used for the purposes authorized by this section.

(g) A person commits an offense if the person releases or discloses any information received under this section without the authorization prescribed by Subsection (c) [or

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(a-7) Subject to Section 411.087 and consistent with the public policy of this state, the clerk described by Subsection (a) is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained by or provided to a clerk under this section [Subsection (a), (a-5), or (a-6)] is for the exclusive use of the court and is privileged and confidential.

(c) A clerk may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-7)(1). Criminal history record information obtained by or provided to a clerk under Subsection (a-7)(2) [(a), (a-5),] or (a-6) may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) The clerk shall [may] destroy the criminal history record information after the information is used for the purposes authorized by this section.

(g) A person commits an offense if the person releases or discloses any information received under this section without the authorization prescribed by Subsection (c) [or

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~~(d)~~. An offense under this subsection is a Class A misdemeanor.

(h) The county clerk may charge a \$10 fee to recover the costs of obtaining criminal history record information ~~[records]~~ authorized by Subsection (a-7) ~~[(a)]~~.

(j) A clerk is liable to those damaged if damage or loss results to a guardianship or ward because of the neglect or failure of the clerk to obtain criminal history record information as required by Subsection (a).

SECTION 59. Section 411.13861, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (c-1) to read as follows:

(a) The Health and Human Services Commission is entitled to obtain ~~[from the Department of Public Safety]~~ criminal history record information as provided by Subsection (a-1) ~~[maintained by the Department of Public Safety]~~ that relates to a person:

(1) who is required to undergo a background and criminal history check under Chapter 248A, Health and Safety Code;

(2) who seeks unsupervised visits with a ward of the Health and Human Services Commission, including a relative of the ward;

(3) who is an applicant for employment with the Health and Human Services Commission for a position in which the person, as an employee, would have direct access to residents or clients of a facility regulated by the Health and Human Services Commission, as determined by the executive commissioner of that commission; or

(4) who is an employee of the Health and Human Services Commission and who has direct access to residents or clients

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~~(d)~~. An offense under this subsection is a Class A misdemeanor.

(h) The county clerk may charge a \$10 fee to recover the costs of obtaining criminal history record information ~~[records]~~ authorized by Subsection (a-7) ~~[(a)]~~.

SECTION 60. Section 411.13861, Government Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (a-1) and (c-1) to read as follows:

(a) The Health and Human Services Commission is entitled to obtain ~~[from the Department of Public Safety]~~ criminal history record information as provided by Subsection (a-1) ~~[maintained by the Department of Public Safety]~~ that relates to a person:

(1) who is required to undergo a background and criminal history check under Chapter 248A, Health and Safety Code;

(2) who seeks unsupervised visits with a ward of the Health and Human Services Commission, including a relative of the ward;

(3) who is an applicant for employment with the Health and Human Services Commission for a position in which the person, as an employee, would have direct access to residents or clients of a facility regulated by the Health and Human Services Commission, as determined by the executive commissioner of that commission; or

(4) who is an employee of the Health and Human Services Commission and who has direct access to residents or clients

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of a facility regulated by that commission, as determined by the executive commissioner of that commission.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person required to be fingerprinted who is described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained under Subsection (a-1) [(a)] is for the exclusive use of the Health and Human Services Commission and is privileged and confidential.

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Health and Human Services Commission under Subsection (a-1)(2) [(a)] may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) The Health and Human Services Commission shall [may] destroy the criminal history record information after the information is used for the purposes authorized by this section.

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of a facility regulated by that commission, as determined by the executive commissioner of that commission.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person who is described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained under Subsection (a-1) [(a)] is for the exclusive use of the Health and Human Services Commission and is privileged and confidential.

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Health and Human Services Commission under Subsection (a-1)(2) [(a)] may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) The Health and Human Services Commission shall [may] destroy the criminal history record information after the information is used for the purposes authorized by this section.

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SECTION 60. Section 411.1405, Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (b-1) and (g) to read as follows:

(b) To the extent consistent with Subsection (e), a state agency is entitled to obtain ~~[from the department the]~~ criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person who:

(1) is an employee, applicant for employment, contractor, subcontractor, or intern or other volunteer with the state agency or with a contractor or subcontractor for the state agency; and

(2) has access to information resources or information resources technologies, other than a desktop computer or telephone station assigned to that person.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, a state agency is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) A state agency may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). A state agency that obtains criminal history record information under this section may not release or disclose the information obtained under Subsection (b-1)(2) or any

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SECTION 61. Section 411.1405, Government Code, is amended by amending Subsections (b), (c), and (d) and adding Subsections (b-1) and (g) to read as follows:

(b) To the extent consistent with Subsection (e), a state agency is entitled to obtain ~~[from the department the]~~ criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person who:

(1) is an employee, applicant for employment, contractor, subcontractor, or intern or other volunteer with the state agency or with a contractor or subcontractor for the state agency; and

(2) has access to information resources or information resources technologies, other than a desktop computer or telephone station assigned to that person.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, a state agency is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) A state agency may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). A state agency that obtains criminal history record information under this section may not release or disclose the information obtained under Subsection (b-1)(2) or any

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documents or other records derived from the information except:

- (1) by court order;
- (2) with the consent of the person who is the subject of the information; or
- (3) to the affected contractor or subcontractor~~[, unless the information was obtained by the department from the Federal Bureau of Investigation].~~

(d) A state agency and the affected contractor or subcontractor shall destroy criminal history record information obtained under this section after the information is used for the purposes authorized by this section ~~[that relates to a person after the information is used to make an employment decision or to take a personnel action relating to the person who is the subject of the information].~~

(g) A state agency is not prohibited from disclosing criminal history record information obtained under Subsection (b-1)(2) in a criminal proceeding.

SECTION 61. Section 411.1408, Government Code, is amended by amending Subsections (b) and (c) and adding Subsections (b-1) and (d) to read as follows:

(b) The commission is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person who is an applicant for or the holder of a certificate, registration, or license issued by the commission or otherwise under Subtitle L, Title 2.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, the commission is entitled to:

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documents or other records derived from the information except:

- (1) by court order;
- (2) with the consent of the person who is the subject of the information; ~~[or]~~
- (3) to the affected contractor or subcontractor; or
- (4) as described by Subsection (g) ~~[, unless the information was obtained by the department from the Federal Bureau of Investigation].~~

(d) A state agency and the affected contractor or subcontractor shall destroy criminal history record information obtained under this section after the information is used for the purposes authorized by this section ~~[that relates to a person after the information is used to make an employment decision or to take a personnel action relating to the person who is the subject of the information].~~

(g) A state agency is not prohibited from disclosing criminal history record information obtained under Subsection (b-1)(2) in a criminal proceeding.

SECTION 62. Same as House version.

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(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). Criminal history record information obtained by the commission under Subsection ~~(b-1)(2)~~ ~~[(b)]~~:

(1) may be used by the commission for any purpose related to the issuance, denial, suspension, revocation, or renewal of a certificate, registration, or license issued by the commission or otherwise under Subtitle L, Title 2; and

(2) may not be released or disclosed to any person except:

(A) on court order; or

(B) [with the consent of the person who is the subject of the information]; or

~~[(C)]~~ as authorized by Section 411.1386(a-6) of this code or Section 1104.404, Estates Code, if applicable~~]; and~~

~~[(3) shall be destroyed by the commission after the information is used for the authorized purposes].~~

(d) The commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

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SECTION 62. Section 411.1409, Government Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsection (b-1) to read as follows:

(b) An appellate court is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person who is an applicant for:

- (1) employment with the court;
- (2) a volunteer position with the court; or
- (3) an appointment made by the court.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, the court is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) Criminal history record information obtained by the court under this section ~~[Subsection (b)]~~ may be used only to evaluate an applicant.

(d) The court may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). The court may not release or disclose information obtained under Subsection ~~(b-1)(2)~~ ~~[(b)]~~ except on order of a district court ~~[or with the consent of the person who is the subject of the criminal history record information].~~

(e) ~~The [After the expiration of any probationary term of the person's employment, volunteer status, or appointment, the]~~

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SECTION 63. Section 411.1409, Government Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsection (b-1) to read as follows:

(b) An appellate court is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person who is an applicant for:

- (1) employment with the court;
- (2) a volunteer position with the court; or
- (3) an appointment made by the court.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, the court is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) Criminal history record information obtained by the court under this section ~~[Subsection (b)]~~ may be used only to evaluate an applicant.

(d) The court may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). The court may not release or disclose information obtained under Subsection ~~(b-1)(2)~~ ~~[(b)]~~ except on order of a district court ~~[or with the consent of the person who is the subject of the criminal history record information].~~

(e) ~~The [After the expiration of any probationary term of the person's employment, volunteer status, or appointment, the]~~

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court shall destroy **all** criminal history record information obtained under this section after the information is used for its authorized purpose [~~Subsection (b)~~].

SECTION 63. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.14101 to read as follows:

Sec. 411.14101. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this section,

"office" means the State Office of Administrative Hearings.

(b) The office is entitled to obtain criminal history record information as provided by Subsection (c) that relates to a person who is:

(1) an employee of, or an applicant for employment with, the office; or

(2) a contractor, subcontractor, volunteer, or intern of the office, or an applicant to serve in one of those capacities.

(c) Subject to Section 411.087 and consistent with the public policy of this state, the office is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(d) The office may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c)(1).

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court shall destroy **all** criminal history record information obtained under this section after the information is used for its authorized purpose [~~Subsection (b)~~].

SECTION 64. Same as House version.

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Criminal history record information obtained by the office under Subsection (c)(2) may not be released or disclosed to any person except by court order or with the written consent of the person who is the subject of the criminal history record information.

(e) The office shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 64. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.14102 to read as follows:

Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The Texas Board of Architectural Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) a person who is:

(A) an applicant for an architectural registration under Chapter 1051, Occupations Code; or

(B) the holder of an architectural registration under that chapter;

(2) a person who is:

(A) an applicant for a landscape architectural registration under Chapter 1052, Occupations Code; or

(B) the holder of a landscape architectural registration under that chapter; or

(3) a person who is:

(A) an applicant for an interior design registration under Chapter 1053, Occupations Code; or

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SECTION 65. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.14102 to read as follows:

Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The Texas Board of Architectural Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) a person who is:

(A) an applicant for an architectural registration under Chapter 1051, Occupations Code; or

(B) the holder of an architectural registration under that chapter;

(2) a person who is:

(A) an applicant for a landscape architectural registration under Chapter 1052, Occupations Code; or

(B) the holder of a landscape architectural registration under that chapter; or

(3) a person who is:

(A) an applicant for an interior design registration under Chapter 1053, Occupations Code; or

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(B) the holder of an interior design registration under that chapter.

(b) Subject to Section 411.087 of this code and Section 1051.3041, Occupations Code, and consistent with the public policy of this state, the Texas Board of Architectural Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Architectural Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Architectural Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order or as provided by Subsection (d).

(d) The Texas Board of Architectural Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Board of Architectural Examiners or the State Office of Administrative Hearings, as applicable.

(e) The Texas Board of Architectural Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

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(B) the holder of an interior design registration under that chapter.

(b) Subject to Section 411.087 of this code and Section 1051.3041, Occupations Code, and consistent with the public policy of this state, the Texas Board of Architectural Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Architectural Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Architectural Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order or as provided by Subsection (d).

(d) The Texas Board of Architectural Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Board of Architectural Examiners or the State Office of Administrative Hearings.

(e) The Texas Board of Architectural Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

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SECTION 65. Section 301.2511, Occupations Code, is amended by amending Subsections (a) and (c) and adding Subsections (d) and (e) to read as follows:

(a) An applicant for a vocational, registered, or **advance practice registered** nurse license must submit to the board, in addition to satisfying the other requirements of this subchapter, a complete and legible set of fingerprints, on a form prescribed by the board, for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(c) The board by rule shall develop a system for obtaining criminal history record information for a person accepted for enrollment in a nursing educational program that prepares the person for ~~[initial]~~ licensure as a vocational, registered, or **advanced practice registered** ~~[or vocational]~~ nurse by requiring the person to submit to the board a set of fingerprints that meets the requirements of Subsection (a). The board may develop a similar system for an applicant for enrollment in a nursing educational program. The board may require payment of a fee by a person who is required to submit a set of fingerprints under this subsection.

(d) The board may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a).

(e) The board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

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SECTION 66. Sections 301.2511(a) and (c), Occupations Code, are amended to read as follows:

(a) An applicant for a vocational, registered, or **advanced practice registered** nurse license must submit to the board, in addition to satisfying the other requirements of this subchapter, a complete and legible set of fingerprints, on a form prescribed by the board, for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.

(c) The board by rule shall develop a system for obtaining criminal history record information for a person accepted for enrollment in a nursing educational program that prepares the person for ~~[initial]~~ licensure as a vocational, registered, or **advanced practice registered** ~~[or vocational]~~ nurse by requiring the person to submit to the board a set of fingerprints that meets the requirements of Subsection (a). The board may develop a similar system for an applicant for enrollment in a nursing educational program. The board may require payment of a fee by a person who is required to submit a set of fingerprints under this subsection.

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SECTION 66. Section 1101.002, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Easement or right-of-way agent" means a person who sells, buys, leases, or transfers an easement or right-of-way for another, for compensation or with the expectation of receiving compensation, for use in connection with telecommunication, utility, railroad, or pipeline service.

SECTION 67. Section 1101.3521, Occupations Code, is amended by adding Subsections (e) and (f) to read as follows:

(e) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a).

(f) The commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 68. Section 1101.501, Occupations Code, is amended to read as follows:

Sec. 1101.501. CERTIFICATE REQUIRED. A person may not ~~act as an easement or right-of-way agent [sell, buy, lease, or transfer an easement or right of way for another, for compensation or with the expectation of receiving compensation, for use in connection with telecommunication, utility, railroad, or pipeline service]~~ unless the person:

- (1) holds a license issued under this chapter; or
- (2) holds a certificate of registration issued under this subchapter.

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SECTION 67. Same as House version.

**No equivalent provision.**

SECTION 68. Same as House version.

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SECTION 69. Section 1101.5041, Occupations Code, is amended to read as follows:

Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR CERTIFICATE. An applicant for an original certificate of registration as an easement or right-of-way agent or renewal of a certificate of registration as an easement or right-of-way agent must comply with the criminal history record check requirements of Section 1101.3521.

SECTION 69. Same as House version.

SECTION 70. Section 1201.1031, Occupations Code, is amended by adding Subsections (f), (g), (h), (i), and (j) to read as follows:

(f) The department is entitled to obtain criminal history record information as provided by Subsection (g) that relates to:

(1) an applicant for or holder of a license under this chapter;

or

(2) an owner, officer, or related person or manager of a person described by Subdivision (1).

(g) Subject to Section 411.087 and consistent with the public policy of this state, the department is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (f); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information

**No equivalent provision.**

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maintained by the department or that criminal justice agency that relates to a person described by Subsection (f).

(h) The department may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (g)(1). Criminal history record information obtained by the department under Subsection (g)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (i).

(i) The department is not prohibited from disclosing criminal history record information obtained under Subsection (g)(2) in a criminal proceeding or in a hearing conducted by the department.

(j) The department shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 71. Section 2025.251, Occupations Code, is amended to read as follows:

Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED.

(a) Except as provided by this section, a person, other than as a spectator or as a person placing a wager, may not participate in ~~[racing with]~~ pari-mutuel racing activities or wagering without first obtaining a license from the commission. A person may not engage in any occupation for which commission rules require a license under this subtitle without first obtaining a license from the commission.

(b) The commission ~~[by rule]~~ shall ~~[categorize the occupations of racetrack employees and]~~ determine the

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occupations that afford ~~[the employee]~~ an opportunity to influence racing with pari-mutuel wagering, including individuals who. ~~The rules must require an employee to be licensed under this subtitle if the employee~~:

(1) work ~~[works]~~ in an occupation as an employee, contractor, or volunteer ~~[determined by the commission]~~ to afford the individual ~~[employee]~~ an opportunity to influence racing with pari-mutuel wagering; or

(2) will likely have significant access to the backside of a racetrack or to restricted areas of the frontside of a racetrack.

(c) Notwithstanding Subsection (b), the following individuals require a criminal history background check before an occupational license is issued: commissioners, regulatory employees and contractors hired by the commission, racetrack association employees, training facility employees, and employees of either a recognized horseman's organization or licensed racehorse owners.

SECTION 72. The following provisions are repealed:

(1) Sections 22.0834(g), (i), (k), (m), and (n), Education Code;

(2) Section 22.08341, Education Code;

(3) Sections 1104.403, 1104.407, 1104.408, and 1104.410, Estates Code;

(4) Section 411.110(d), Government Code;

(5) Sections 411.1386(a-4), (a-5), (d), (f), and (i), Government Code; and

(6) Section 411.13861(f), Government Code.

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SECTION 71. The following provisions are repealed:

(1) Sections 22.0834(g), (i), (k), (m), and (n), Education Code;

(2) Section 22.08341, Education Code;

(3) Sections 1104.403, 1104.407, 1104.408, and 1104.410, Estates Code;

(4) Section 411.110(d), Government Code;

~~(5) Section 411.122(c), Government Code;~~

(6) Sections 411.1386(a-4), (a-5), (d), (f), and (i), Government Code; and

(7) Section 411.13861(f), Government Code.

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SECTION 73. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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SECTION 72. Same as House version.

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