

## **BILL ANALYSIS**

Senate Research Center

H.B. 3120  
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Local Government  
5/18/2025  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Health and Human Services Commission is responsible for temporarily housing unaccompanied minors and often operates such housing across Texas through non-governmental organizations. Unfortunately, many of these facilities remain shrouded in longstanding allegations of abuse, neglect, failures to adhere to federal agency guidelines, and a disturbing lack of communication with local and state officials. The bill author has informed the committee that existing regulations that apply to these facilities are vague and insufficient and that there are inadequacies in communication with local officials and authorities. Moreover, the author has informed the committee that there are concerns about community safety, the adequacy of available resources, and the safekeeping of vulnerable children. H.B. 3120 aims to address these issues by providing for criminal background checks for employees, contractors, and volunteers, as well as by facilitating much-needed transparency and state oversight of these facilities.

H.B. 3120 amends current law relating to certain duties of the owner or operator of a residential child detention facility.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter F, Chapter 411, Government Code, by adding Section 411.14103, as follows:

Sec. 411.14103. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: RESIDENTIAL CHILD DETENTION FACILITIES. (a) Defines "residential child detention facility."

(b) Provides that the owner or operator of a residential child detention facility is entitled to obtain from the Department of Public Safety of the State of Texas (DPS) criminal history record information maintained by DPS that relates to a person who is an applicant for employment with, or who is or has been employed by, the facility or a consultant, contract employee, independent contractor, intern, or volunteer for the facility or an applicant to serve in one of those positions.

(c) Provides that criminal history record information obtained by the owner or operator under Subsection (b) is authorized to be used only to evaluate an applicant for employment with, or a current or former employee of, the facility.

(d) Prohibits the owner or operator of a residential child detention facility from releasing or disclosing information obtained under Subsection (b) except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) Requires the owner or operator of the residential child detention facility, after the expiration of any probationary term of the person's employment or not later

than the 180th day after the date of receipt of the information, whichever is later, to destroy all criminal history record information obtained under Subsection (b).

SECTION 2. Amends Section 250.013, Local Government Code, by amending Subsection (a) and adding Subsections (e) and (f), as follows:

(a) Defines "owner or operator."

(e) Requires the owner or operator of a residential child detention facility to enter into a memorandum of understanding with the governing body of the municipality or the commissioners court of the county that regulates the facility under Section 250.013 (Residential Immigrant or Refugee Child Detention Facilities). Requires that the memorandum require the facility to provide certain information and fulfill certain duties.

(f) Requires the owner or operator of a residential child detention facility to conduct a criminal history background check on all facility personnel if at least 10 percent of the owner's, operator's, or facility's operating expenses are provided directly or indirectly by the state. Provides that, notwithstanding any other law, if the owner or operator fails to conduct the check, the facility is ineligible to receive state funding until the state conducts an audit of the facility and publishes a report of the audit that is available to the public.

SECTION 3. Requires a residential child detention facility, not later than December 1, 2025, to enter into a memorandum of understanding required by Section 250.013(e), Local Government Code, as added by this Act.

SECTION 4. Effective date: September 1, 2025.