

BILL ANALYSIS

H.B. 3120
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State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Health and Human Services 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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 3120 amends the Government Code, with respect to a residential child detention facility that is a private facility, other than a facility licensed by the state, that operates under a contract with the U.S. Immigration and Customs Enforcement, the U.S. Department of Health and Human Services, or another federal agency to provide 24-hour custody or care to unaccompanied immigrant or refugee children, to entitle the owner or operator of such a facility to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person who is either of the following:

- 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.

H.B. 3120 limits the use of criminal history record information obtained by the owner or operator of such a facility to the evaluation of an applicant for employment with, or a current or former employee of, the facility. The bill prohibits the owner or operator from releasing or disclosing information obtained except on court order or with the consent of the person who is the subject of the criminal history record information. The bill requires the owner or operator, 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.

H.B. 3120 amends the Local Government Code to require the owner or operator of such a facility to enter into, not later than December 1, 2025, a memorandum of understanding (MOU) with the governing body of the municipality or the commissioners court of the county that regulates the facility. The MOU must require the facility to do the following:

- report illness at the facility to the appropriate local health authority;
- provide to the governing body or court, as applicable:
 - a description of the facility's methods for preventing illness;
 - an emergency evacuation plan;
 - an education plan for the children residing at the facility for submission to and regulation by the state; and
 - quarterly compliance and safety inspection reports; and
- provide to the municipal police department or county sheriff's department, as applicable:
 - monthly facility occupancy records; and
 - a quarterly summary of all facility incident reports and all significant incident reports.

The bill requires the owner or operator 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. 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 an audit report that is available to the public.

EFFECTIVE DATE

September 1, 2025.