

BILL ANALYSIS

H.B. 3153
By: Kerwin
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that while current law requires background checks for school employees, the state does not conduct background checks for employees at daycare centers, foster care facilities, juvenile detention centers, and homeless youth shelters. H.B. 3153 seeks to address this issue by requiring the Health and Human Services Commission, the Texas Juvenile Justice Department, a county, and a municipality to ensure each applicable facility the governmental entity regulates or operates reviews state and federal criminal history record information and conducts an employment verification for certain individuals who may be placed in direct contact with a child receiving services at the facility.

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. 3153 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC), the Texas Juvenile Justice Department (TJJD), a county, and a municipality to ensure each applicable facility the governmental entity regulates or operates reviews state and federal criminal history record information and conducts an employment verification for each person who may be placed in direct contact with a child receiving services at the facility and who is one of the following persons:

- an applicant for employment with the facility;
- an employee of the facility;
- an applicant for a volunteer position with the facility;
- a volunteer with the facility;
- an applicant for an independent contractor position with the facility; or
- an independent contractor of the facility.

The bill establishes that a person may be considered placed in direct contact with a child if the person's position potentially requires the person to provide care, supervision, or guidance to a child, exercise any form of control over a child, or routinely interact with a child. The bill applies to a residential treatment facility or group home licensed or otherwise regulated by HHSC, a juvenile detention facility regulated by TJJD, or a shelter operated by or under the authority of a county or municipality that provides temporary living accommodations for individuals who are homeless.

H.B. 3153 requires an applicable facility to take the following actions:

- in conducting employment verification, at a minimum contact the previous employers listed in the submitted application materials for each applicant;
- obtain electronic updates from the Department of Public Safety of arrests and convictions for each person who is and continues as an employee, volunteer, or independent contractor of a facility or who otherwise continues to be placed in direct contact with a child at the facility; and
- provide training to each employee, volunteer, or independent contractor who may be placed in direct contact with a child that includes the following:
 - recognition of the signs of physical and sexual abuse and reporting requirements for suspected physical and sexual abuse;
 - the facility's policies related to reporting of physical and sexual abuse; and
 - methods for maintaining professional and appropriate relationships with children.

H.B. 3153 prohibits an applicable facility from offering a person an employment, volunteer, or independent contractor position, and requires the facility to terminate the person's position if, based on a criminal history record information review or an employment verification of that person, the facility discovers that the person meets one of the following conditions:

- has engaged in physical or sexual abuse of a child constituting an offense of:
 - continuous sexual abuse of a young child or disabled individual;
 - sexual assault;
 - aggravated sexual assault; or
 - prohibited sexual conduct; or
- was terminated from a previous position based on allegations of engaging in conduct constituting one of those offenses.

The bill also prohibits a separation agreement for a facility employee, volunteer, or independent contractor from including a provision that prohibits disclosure to a prospective employer of an allegation of conduct constituting any of the aforementioned offenses. This prohibition applies only to an agreement entered into on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.