

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 3153  
By: Kerwin (Kolkhorst)  
Health & Human Services  
5/21/2025  
Committee Report (Substituted)

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

Thousands of unsecure facilities across Texas serve children for day care services, residential treatment services, and juvenile probation. Although some of these entities are required to perform background checks for employees, not all unsecure facilities that serve children are subjected to the same requirements.

Additionally, some municipalities that operate homeless shelters may not have stringent processes in place to verify the background of shelter employees or volunteers.

H.B. 3153 seeks to fill this gap by ensuring that all applicants, employees, volunteers, and contractors at facilities that work with children undergo a robust criminal background check and employment verification. The bill also would bar facilities from employing individuals, volunteers, or contractors who have abuse or neglect findings or criminal violations. Finally, H.B. 3153 would increase training to recognize the signs of abuse for the employees, volunteers, and contractors of these facilities.

#### Key Provisions:

- Adds a new chapter to the Health and Safety Code to require a facility to obtain criminal history record information and to conduct an employment verification for applicants, employees, volunteers, and independent contractors who have routine contact with children.
- Requires that these facilities obtain electronic notification from the Department of Public Safety concerning arrests and convictions for applicants, employees, independent contractors, or volunteers.
- Prohibits these facilities from employing a person, volunteer, or independent contractor and requires facilities to terminate the person's position if the person engaged in abuse or neglect or criminal acts.
- Requires additional training for recognizing the signs of abuse, neglect, and trafficking by the employees, applicants, volunteers, and contractors of the facilities.

#### Committee Substitute:

- Adds a provision to make clear that if a facility is already subject to criminal background checks and other employment verification requirements, then that check satisfies the requirements of the bill.

C.S.H.B. 3153 amends current law relating to hiring and employment requirements for persons in direct contact with children at certain facilities.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 811.003, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subtitle D, Title 9, Health and Safety Code, by adding Chapter 811, as follows:



## CHAPTER 811. EMPLOYMENT REQUIREMENTS FOR CERTAIN FACILITIES TO PREVENT PHYSICAL OR SEXUAL ABUSE OF CHILDREN

Sec. 811.001. DEFINITIONS. Defines "commission," "department," and "facility."

Sec. 811.002. APPLICABILITY. Provides that this chapter applies only to the Health and Human Services Commission (HHSC), the Texas Juvenile Justice Department, a county, and a municipality.

Sec. 811.003. REQUIRED CRIMINAL HISTORY RECORD INFORMATION REVIEW AND EMPLOYMENT VERIFICATION. (a) Requires a governmental entity to which this chapter applies to ensure each facility the entity regulates or operates reviews state criminal history record information and conducts an employment verification for each person who:

(1) is:

(A) an applicant for employment with the facility;

(B) an employee of the facility;

(C) an applicant selected for a volunteer position with the facility;

(D) a volunteer with the facility;

(E) an applicant selected for an independent contractor position with the facility; or

(F) an independent contractor of the facility; and

(2) may be placed in direct contact with a child receiving services at the facility.

(b) Provides that, for the purposes of Subsection (a)(2), a person may be 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.

(c) Requires the facility, in conducting an employment verification under Subsection (a), to the extent possible, to contact the previous employers listed in the submitted application materials for each applicant.

(d) Requires each facility to obtain electronic updates from the Department of Public Safety of arrests and convictions for each person described by Subsection (a)(1)(B), (D), or (F) and who continues as an employee, volunteer, or independent contractor or who otherwise continues to be placed in direct contact with a child at the facility.

(e) Provides that a facility that submits a name for a background check and criminal history check in accordance with Section 42.056 (Required Background and Criminal History Checks; Criminal Penalties), Human Resources Code, and rules adopted under that section for each person described by Subsection (a) is considered to be in compliance with the requirements of this section.

(f) Authorizes the executive commissioner of HHSC to adopt rules as necessary to implement this section, including rules on existing employment verification procedures for residential treatment facilities that satisfy the requirements of this section.



Sec. 811.004. EFFECT OF CERTAIN CRIMINAL CONVICTIONS. (a) Provides that a facility is prohibited from offering a person an employment, volunteer, or independent contractor position and is required to terminate the person's position if, based on a criminal history record information review, an employment verification of that person, or a background and criminal history check conducted in accordance with Section 42.056, Human Resources Code, of that person, the facility discovers the person engaged in physical or sexual abuse of a child constituting an offense under Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual), 22.011 (Sexual Assault), 22.021 (Aggravated Sexual Assault), or 25.02 (Prohibited Sexual Conduct), Penal Code.

(b) Prohibits a separation agreement for a facility employee, volunteer, or independent contractor from including a provision that prohibits disclosure to a prospective employer of conduct constituting an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

Sec. 811.005. TRAINING REQUIREMENTS. Requires a facility to provide training to each employee, volunteer, or independent contractor who may be placed in direct contact with a child. Requires that the training include 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.

SECTION 2. Makes application of Section 811.004(b), Health and Safety Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2025.