

By: Kitzman, Spiller, Oliverson, Cook,  
et al.

H.B. No. 3120

A BILL TO BE ENTITLED

AN ACT

relating to certain duties of the owner or operator of a residential  
child detention facility.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter F, Chapter 411, Government Code, is  
amended by adding Section 411.14103 to read as follows:

Sec. 411.14103. ACCESS TO CRIMINAL HISTORY RECORD  
INFORMATION: RESIDENTIAL CHILD DETENTION FACILITIES. (a) In this  
section, "residential child detention facility" has the meaning  
assigned by Section 250.013, Local Government Code.

(b) The owner or operator of a residential child detention  
facility is entitled to obtain from the department criminal history  
record information maintained by the department that relates to a  
person who is:

(1) an applicant for employment with, or who is or has  
been employed by, the facility; or

(2) a consultant, contract employee, independent  
contractor, intern, or volunteer for the facility or an applicant  
to serve in one of those positions.

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

(d) The owner or operator of a residential child detention

1 facility may not release or disclose information obtained under  
2 Subsection (b) except on court order or with the consent of the  
3 person who is the subject of the criminal history record  
4 information.

5 (e) After the expiration of any probationary term of the  
6 person's employment or not later than the 180th day after the date  
7 of receipt of the information, whichever is later, the owner or  
8 operator of the residential child detention facility shall destroy  
9 all criminal history record information obtained under Subsection  
10 (b).

11 SECTION 2. Section 250.013, Local Government Code, is  
12 amended by amending Subsection (a) and adding Subsections (e) and  
13 (f) to read as follows:

14 (a) In this section:

15 (1) "Owner or operator" includes a for-profit or  
16 nonprofit organization.

17 (2) "Residential[,—"~~residential~~] child detention  
18 facility" means a private facility other than a facility licensed  
19 by this state that operates under a contract with the United States  
20 Immigration and Customs Enforcement, the United States Department  
21 of Health and Human Services, or another federal agency to provide  
22 24-hour custody or care to unaccompanied immigrant or refugee  
23 children.

24 (e) The owner or operator of a residential child detention  
25 facility shall enter into a memorandum of understanding with the  
26 governing body of the municipality or the commissioners court of  
27 the county that regulates the facility under this section. The

memorandum must require the facility to:

(1) report illness at the facility to the appropriate local health authority;

(2) provide to the governing body or court, as applicable:

(A) a description of the facility's methods for preventing illness;

(B) an emergency evacuation plan;

(C) an education plan for the children residing at the facility for submission to and regulation by the state; and

(D) quarterly compliance and safety inspection reports; and

(3) provide to the municipal police department or county sheriff's department, as applicable:

(A) monthly facility occupancy records; and

(B) a quarterly summary of all facility incident reports and all significant incident reports.

(f) The owner or operator of a residential child detention facility shall 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. 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. Not later than December 1, 2025, a residential

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1 child detention facility shall enter into a memorandum of  
2 understanding required by Section 250.013(e), Local Government  
3 Code, as added by this Act.

4 SECTION 4. This Act takes effect September 1, 2025.