

1-1 By: Kitzman, et al. (Senate Sponsor - Huffman) H.B. No. 3120
1-2 (In the Senate - Received from the House May 6, 2025;
1-3 May 7, 2025, read first time and referred to Committee on Local
1-4 Government; May 22, 2025, reported favorably by the following
1-5 vote: Yeas 6, Nays 0; May 22, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to certain duties of the owner or operator of a residential
1-18 child detention facility.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subchapter F, Chapter 411, Government Code, is
1-21 amended by adding Section 411.14103 to read as follows:

1-22 Sec. 411.14103. ACCESS TO CRIMINAL HISTORY RECORD
1-23 INFORMATION: RESIDENTIAL CHILD DETENTION FACILITIES. (a) In this
1-24 section, "residential child detention facility" has the meaning
1-25 assigned by Section 250.013, Local Government Code.

1-26 (b) The owner or operator of a residential child detention
1-27 facility is entitled to obtain from the department criminal history
1-28 record information maintained by the department that relates to a
1-29 person who is:

1-30 (1) an applicant for employment with, or who is or has
1-31 been employed by, the facility; or

1-32 (2) a consultant, contract employee, independent
1-33 contractor, intern, or volunteer for the facility or an applicant
1-34 to serve in one of those positions.

1-35 (c) Criminal history record information obtained by the
1-36 owner or operator under Subsection (b) may be used only to evaluate
1-37 an applicant for employment with, or a current or former employee
1-38 of, the facility.

1-39 (d) The owner or operator of a residential child detention
1-40 facility may not release or disclose information obtained under
1-41 Subsection (b) except on court order or with the consent of the
1-42 person who is the subject of the criminal history record
1-43 information.

1-44 (e) After the expiration of any probationary term of the
1-45 person's employment or not later than the 180th day after the date
1-46 of receipt of the information, whichever is later, the owner or
1-47 operator of the residential child detention facility shall destroy
1-48 all criminal history record information obtained under Subsection
1-49 (b).

1-50 SECTION 2. Section 250.013, Local Government Code, is
1-51 amended by amending Subsection (a) and adding Subsections (e) and
1-52 (f) to read as follows:

1-53 (a) In this section:

1-54 (1) "Owner or operator" includes a for-profit or
1-55 nonprofit organization.

1-56 (2) "Residential[, ~~residential~~] child detention
1-57 facility" means a private facility other than a facility licensed
1-58 by this state that operates under a contract with the United States
1-59 Immigration and Customs Enforcement, the United States Department
1-60 of Health and Human Services, or another federal agency to provide
1-61 24-hour custody or care to unaccompanied immigrant or refugee

children.

(e) The owner or operator of a residential child detention facility shall 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 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; and

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

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

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