

By: Kerwin

H.B. No. 3153

A BILL TO BE ENTITLED

AN ACT

relating to hiring and employment requirements for persons in direct contact with children at certain facilities.

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

SECTION 1. Subtitle D, Title 9, Health and Safety Code, is amended by adding Chapter 811 to read as follows:

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

Sec. 811.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Health and Human Services Commission.

(2) "Department" means the Texas Juvenile Justice Department.

(3) "Facility" means:

(A) a residential treatment facility or group home licensed or otherwise regulated by the commission;

(B) a juvenile detention facility regulated by the department; or

(C) a shelter operated by or under the authority of a county or municipality that provides temporary living accommodations for individuals who are homeless.

Sec. 811.002. APPLICABILITY. This chapter applies only to the following governmental entities:

(1) the commission;

1 (2) the department;

2 (3) a county; and

3 (4) a municipality.

4 Sec. 811.003. REQUIRED CRIMINAL HISTORY RECORD INFORMATION
5 REVIEW AND EMPLOYMENT VERIFICATION. (a) A governmental entity to
6 which this chapter applies shall ensure each facility the entity
7 regulates or operates reviews state and federal criminal history
8 record information and conducts an employment verification for each
9 person:

10 (1) who is:

11 (A) an applicant for employment with the
12 facility;

13 (B) an employee of the facility;

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

16 (D) a volunteer with the facility;

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

19 (F) an independent contractor of the facility;
20 and

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

23 (b) For purposes of Subsection (a)(2), a person may be
24 placed in direct contact with a child if the person's position
25 potentially requires the person to:

26 (1) provide care, supervision, or guidance to a child;

27 (2) exercise any form of control over a child; or

1 (3) routinely interact with a child.

2 (c) In conducting an employment verification under
3 Subsection (a), the facility must at a minimum contact the previous
4 employers listed in the submitted application materials for each
5 applicant.

6 (d) Each facility shall obtain electronic updates from the
7 Department of Public Safety of arrests and convictions for each
8 person:

9 (1) described by Subsection (a)(1)(B), (D), or (F);
10 and

11 (2) who continues as an employee, volunteer, or
12 independent contractor or who otherwise continues to be placed in
13 direct contact with a child at the facility.

14 Sec. 811.004. EFFECT OF CERTAIN CRIMINAL CONVICTIONS OR
15 CHILD ABUSE ALLEGATIONS. (a) A facility may not offer a person an
16 employment, volunteer, or independent contractor position and must
17 terminate the person's position if, based on a criminal history
18 record information review or an employment verification of that
19 person, the facility discovers the person:

20 (1) engaged in physical or sexual abuse of a child
21 constituting an offense under Section 21.02, 22.011, 22.021, or
22 25.02, Penal Code; or

23 (2) was terminated from a previous position based on
24 allegations of engaging in conduct described by Subdivision (1).

25 (b) A separation agreement for a facility employee,
26 volunteer, or independent contractor may not include a provision
27 that prohibits disclosure to a prospective employer of an

1 allegation of conduct constituting an offense under Section 21.02,
2 22.011, 22.021, or 25.02, Penal Code.

3 Sec. 811.005. TRAINING REQUIREMENTS. A facility must
4 provide training to each employee, volunteer, or independent
5 contractor who may be placed in direct contact with a child. The
6 training must include:

7 (1) recognition of the signs of physical and sexual
8 abuse and reporting requirements for suspected physical and sexual
9 abuse;

10 (2) the facility's policies related to reporting of
11 physical and sexual abuse; and

12 (3) methods for maintaining professional and
13 appropriate relationships with children.

14 SECTION 2. Section 811.004(b), Health and Safety Code, as
15 added by this Act, applies only to an agreement entered into on or
16 after the effective date of this Act.

17 SECTION 3. This Act takes effect September 1, 2025.