

SENATE AMENDMENTS
2nd Printing

By: Kerwin, et al.

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 criminal history record
8 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, to the extent possible, contact
4 the previous employers listed in the submitted application
5 materials for each 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. (a)
15 A facility may not offer a person an employment, volunteer, or
16 independent contractor position and must terminate the person's
17 position if, based on a criminal history record information review
18 or an employment verification of that person, the facility
19 discovers the person engaged in physical or sexual abuse of a child
20 constituting an offense under Section 21.02, 22.011, 22.021, or
21 25.02, Penal Code.

22 (b) A separation agreement for a facility employee,
23 volunteer, or independent contractor may not include a provision
24 that prohibits disclosure to a prospective employer of conduct
25 constituting an offense under Section 21.02, 22.011, 22.021, or
26 25.02, Penal Code.

27 Sec. 811.005. TRAINING REQUIREMENTS. A facility must

1 provide training to each employee, volunteer, or independent
2 contractor who may be placed in direct contact with a child. The
3 training must include:

4 (1) recognition of the signs of physical and sexual
5 abuse and reporting requirements for suspected physical and sexual
6 abuse;

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

9 (3) methods for maintaining professional and
10 appropriate relationships with children.

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

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

ADOPTED

MAY 23 2025

Latey Spaw
Secretary of the Senate

By: *Bill Kell*

H.B. No. 3153

Substitute the following for H.B. No. 3153 :

By: *Rey Davis*

C.S.H.B. No. 3153

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

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(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 criminal history record
8 information and conducts an employment verification for each
9 person:

10 (1) who is:

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

13 (B) an employee of the facility;

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

16 (D) a volunteer with the facility;

17 (E) an applicant selected for an independent
18 contractor 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, to the extent possible, contact
4 the previous employers listed in the submitted application
5 materials for each 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 (e) A facility that submits a name for a background and
15 criminal history check in accordance with Section 42.056, Human
16 Resources Code, and rules adopted under that section for each
17 person described by Subsection (a) is considered to be in
18 compliance with the requirements of this section.

19 (f) The executive commissioner of the commission may adopt
20 rules as necessary to implement this section, including rules on
21 existing employment verification procedures for residential
22 treatment facilities that satisfy the requirements of this section.

23 Sec. 811.004. EFFECT OF CERTAIN CRIMINAL CONVICTIONS. (a)
24 A facility may not offer a person an employment, volunteer, or
25 independent contractor position and must terminate the person's
26 position if, based on a criminal history record information review,
27 an employment verification, or a background and criminal history

1 check conducted in accordance with Section 42.056, Human Resources
2 Code, of that person, the facility discovers the person engaged in
3 physical or sexual abuse of a child constituting an offense under
4 Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

5 (b) A separation agreement for a facility employee,
6 volunteer, or independent contractor may not include a provision
7 that prohibits disclosure to a prospective employer of conduct
8 constituting an offense under Section 21.02, 22.011, 22.021, or
9 25.02, Penal Code.

10 Sec. 811.005. TRAINING REQUIREMENTS. A facility must
11 provide training to each employee, volunteer, or independent
12 contractor who may be placed in direct contact with a child. The
13 training must include:

14 (1) recognition of the signs of physical and sexual
15 abuse and reporting requirements for suspected physical and sexual
16 abuse;

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

19 (3) methods for maintaining professional and
20 appropriate relationships with children.

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

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 24, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3153 by Kerwin (Relating to hiring and employment requirements for persons in direct contact with children at certain facilities.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 529 Health and Human Services Commission

LBB Staff: JMc, SD, NPe, ER, LBI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 22, 2025

TO: Honorable Lois W. Kolkhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3153 by Kerwin (Relating to hiring and employment requirements for persons in direct contact with children at certain facilities.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that any costs associated with the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 529 Health and Human Services Commission

LBB Staff: JMc, NPe, ER, LBI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 19, 2025

TO: Honorable Lois W. Kolhorst, Chair, Senate Committee on Health & Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3153** by Kerwin (Relating to hiring and employment requirements for persons in direct contact with children at certain facilities.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3153, As Engrossed: a negative impact of (\$2,232,205) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	Probable Net Positive/(Negative) Impact to <i>General Revenue Related Funds</i>
2026	(\$1,158,021)
2027	(\$1,074,184)
2028	(\$1,076,164)
2029	(\$1,077,811)
2030	(\$1,079,494)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	Probable Savings/(Cost) from <i>General Revenue Fund</i> 1	<i>Change in Number of State Employees from FY 2025</i>
2026	(\$1,158,021)	9.0
2027	(\$1,074,184)	9.0
2028	(\$1,076,164)	9.0
2029	(\$1,077,811)	9.0
2030	(\$1,079,494)	9.0

Fiscal Analysis

This bill amends the Health and Safety Code requiring the Health and Human Services Commission (HHSC), the Department of Public Safety (DPS) and the Texas Juvenile Justice Department (TJJD) to conduct and review a criminal background check and previous employer information for all applicants to become an employee, volunteer, and contractor in addition to all current employees, volunteers, and contractors that provide a service or work directly with a child in the care of a residential treatment facility or group home, a juvenile detention facility, or a shelter operated by or under the authority of a county or municipality that provides temporary living accommodations for individuals who are homeless. This bill would take effect September 1, 2025

Methodology

HHSC assumes the agency would be required to perform state and federal criminal history record verifications and employment verifications on all applicants for employment, volunteering, or contracting with a facility listed above to meet the provisions of this bill. Additionally, this analysis assumes that the agency would conduct the same state and federal background checks on current employees as laid out by this bill. This analysis assumes HHSC would require \$1,158,021 from the General Revenue Fund (\$1,158,021 from All Funds) and 9.0 Program Specialist IV “full-time-equivalents (FTEs)” in fiscal year 2026 and \$1,074,184 from the General Revenue Fund (\$1,074,184 from All Funds) and 9.0 Program Specialist IV FTEs in fiscal year 2027 to implement the provisions of the bill, which include conducting state and federal background checks and employment verification on all job applicants, individuals applying for volunteer positions, and contractors with the various facilities, as well as conducting state and federal background checks on existing employees, volunteers, and contractors.

The amounts above are the assumed FTE costs for each fiscal year of the 2026-27 biennium, including \$87,246 from the General Revenue Fund (\$87,246 from All Funds) in fiscal year 2026 for one-time costs.

This analysis assumes DPS and TJJD can implement provisions of this bill within existing agency resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 529 Health and Human Services Commission, 644 Juvenile Justice Department

LBB Staff: JMc, NPe, ER, LBI, NV

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

April 21, 2025

TO: Honorable Lacey Hull, Chair, House Committee on Human Services

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB3153** by Kerwin (Relating to hiring and employment requirements for persons in direct contact with children at certain facilities.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3153, As Introduced: a negative impact of (\$2,232,205) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

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This analysis assumes DPS and TJJD can implement provisions of this bill within existing agency resources.

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Source Agencies: 405 Department of Public Safety, 529 Health and Human Services Commission, 644 Juvenile Justice Department

LBB Staff: JMc, NPe, ER, LBl, NV