

House Bill 3153
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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;
(2) the department;
(3) a county; and
(4) a municipality.
Sec. 811.003. REQUIRED CRIMINAL HISTORY RECORD INFORMATION REVIEW AND EMPLOYMENT VERIFICATION. (a) A governmental entity to which this chapter applies shall ensure each facility the entity regulates or operates reviews state criminal history record information and conducts an employment verification for each person:
(1) who is:

SENATE VERSION (CS)

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- (A) an applicant for employment with the facility;
(B) an employee of the facility;
(C) an applicant for a volunteer position with the facility;
- (D) a volunteer with the facility;
(E) an applicant for an independent contractor position with the facility; or
(F) an independent contractor of the facility; and
(2) who may be placed in direct contact with a child receiving services at the facility.
(b) For 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:
(1) provide care, supervision, or guidance to a child;
(2) exercise any form of control over a child; or
(3) routinely interact with a child.
(c) In conducting an employment verification under Subsection (a), the facility must, to the extent possible, contact the previous employers listed in the submitted application materials for each applicant.
(d) Each facility shall obtain electronic updates from the Department of Public Safety of arrests and convictions for each person:
(1) described by Subsection (a)(1)(B), (D), or (F); and
(2) 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.

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- (A) an applicant **selected** 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) who may be placed in direct contact with a child receiving services at the facility.
(b) For 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:
(1) provide care, supervision, or guidance to a child;
(2) exercise any form of control over a child; or
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(c) In conducting an employment verification under Subsection (a), the facility must, to the extent possible, contact the previous employers listed in the submitted application materials for each applicant.
(d) Each facility shall obtain electronic updates from the Department of Public Safety of arrests and convictions for each person:
(1) described by Subsection (a)(1)(B), (D), or (F); and
(2) 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) A facility that submits a name for a background and criminal history check in accordance with Section 42.056, 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.

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Sec. 811.004. EFFECT OF CERTAIN CRIMINAL CONVICTIONS. (a) A facility may not offer a person an employment, volunteer, or independent contractor position and must terminate the person's position if, based on a criminal history record information review or an employment verification of that person, the facility discovers the person engaged in physical or sexual abuse of a child constituting an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

(b) A separation agreement for a facility employee, volunteer, or independent contractor may not include 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. A facility must provide training to each employee, volunteer, or independent contractor who may be placed in direct contact with a child. The training must include:

- (1) recognition of the signs of physical and sexual abuse and reporting requirements for suspected physical and sexual abuse;
- (2) the facility's policies related to reporting of physical and sexual abuse; and
- (3) methods for maintaining professional and appropriate relationships with children.

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(f) The executive commissioner of the commission may 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) A facility may not offer a person an employment, volunteer, or independent contractor position and must terminate the person's position if, based on a criminal history record information review, an employment verification, 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, 22.011, 22.021, or 25.02, Penal Code.

(b) A separation agreement for a facility employee, volunteer, or independent contractor may not include 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.

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SECTION 2. Section 811.004(b), Health and Safety Code, as added by this Act, applies only to an agreement entered into on or after the effective date of this Act.	SECTION 2. Same as House version.	
SECTION 3. This Act takes effect September 1, 2025.	SECTION 3. Same as House version.	