

1-1 By: Uresti S.B. No. 1496
1-2 (In the Senate - Filed March 12, 2015; March 19, 2015, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 16, 2015, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 16, 2015,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Schwertner</u>	X		
1-10	<u>Kolkhorst</u>	X		
1-11	<u>Campbell</u>	X		
1-12	<u>Estes</u>	X		
1-13	<u>Perry</u>	X		
1-14	<u>Rodríguez</u>	X		
1-15	<u>Taylor of Collin</u>	X		
1-16	<u>Uresti</u>	X		
1-17	<u>Zaffirini</u>	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1496 By: Rodríguez

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to background checks conducted by the Department of Family
1-22 and Protective Services for certain child-care providers.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section [42.0523](#)(b), Human Resources Code, is
1-25 amended to read as follows:

1-26 (b) Before the department may list a child-care provider's
1-27 home under this section, in addition to conducting the ~~[any other]~~
1-28 background or criminal history check required under Section [42.056](#)
1-29 ~~[for a family home listing]~~, the department must search the central
1-30 database of sex offender registration records maintained by the
1-31 Department of Public Safety under Chapter 62, Code of Criminal
1-32 Procedure, to determine whether the provider is listed in the
1-33 registry as a sex offender.

1-34 SECTION 2. Sections [42.056](#)(a-2) and (a-4), Human Resources
1-35 Code, and Section [42.056](#)(c), Human Resources Code, as amended by
1-36 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are
1-37 amended to read as follows:

1-38 (a-2) In accordance with rules adopted by the executive
1-39 commissioner, the director, owner, or operator of a residential
1-40 child-care facility, listed or registered family home, group
1-41 day-care home, day-care center, before-school or after-school
1-42 program, or school-age program shall submit a complete set of
1-43 fingerprints of each person whose name is required to be submitted
1-44 by the director, owner, or operator under Subsection (a), unless
1-45 the person is only required to have the person's name submitted
1-46 based on criteria specified by Subsection (a)(7). This subsection
1-47 does not apply to a family home that is subject to regulation by the
1-48 department under Section [42.0523](#) [program that is exempt from the
1-49 licensing requirements of Section [42.041](#)].

1-50 (a-4) In accordance with rules adopted by the executive
1-51 commissioner, the director, owner, or operator of a facility or
1-52 listed or registered family home shall submit a complete set of
1-53 fingerprints of each person whose name is required to be submitted
1-54 by the director, owner, or operator under Subsection (a) if:

1-55 (1) the person resided in another state during the
1-56 five years preceding the date the person's name was required to be
1-57 submitted under Subsection (a); or

1-58 (2) the director, owner, or operator has reason to
1-59 suspect that the person has a criminal history in another state.

1-60 (c) The executive commissioner by rule shall require a

2-1 child-care facility, child-placing agency, or listed or registered
2-2 family home to pay to the department a fee in an amount not to exceed
2-3 the administrative costs the department incurs in conducting a
2-4 background and criminal history check under this section.

2-5 SECTION 3. This Act takes effect September 1, 2016.

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