

1-1 By: Uresti S.B. No. 687
 1-2 (In the Senate - Filed January 31, 2017; February 15, 2017,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; April 24, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 April 24, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 687 By: Uresti

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

1-21 relating to the collection and use of certain information relating
 1-22 to child abuse and neglect and the provision of prevention and early
 1-23 intervention services; creating an offense.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Subchapter A, Chapter 265, Family Code, is
 1-26 amended by adding Sections 265.0041, 265.0042, 265.0043, 265.0044,
 1-27 and 265.0045 to read as follows:

1-28 Sec. 265.0041. RISK MAPPING FOR PREVENTION AND EARLY
 1-29 INTERVENTION SERVICES. (a) The department may use risk mapping,
 1-30 including risk terrain modeling systems, predictive analytic
 1-31 systems, or geographic risk assessments, and may develop a system
 1-32 or assessment under Subsection (c) to:

1-33 (1) identify geographic areas of the state that have a
 1-34 high incidence of child maltreatment and child fatalities resulting
 1-35 from abuse or neglect;

1-36 (2) identify family dynamics and other factors that
 1-37 indicate a high risk of child maltreatment and child fatalities
 1-38 resulting from abuse or neglect;

1-39 (3) offer opportunities to provide prevention
 1-40 services through voluntary services to individuals living in areas
 1-41 identified under Subdivision (1) and individuals who exhibit
 1-42 factors identified under Subdivision (2); and

1-43 (4) guide decisions about the allocation of resources
 1-44 for prevention and early intervention programs and services.

1-45 (b) The department may use data gathered or received under
 1-46 this section only as authorized by Section 265.0044.

1-47 (c) The Health and Human Services Commission, on behalf of
 1-48 the department, may enter into agreements with institutions of
 1-49 higher education to develop or adapt, in coordination with the
 1-50 department, a risk terrain modeling system, a predictive analytic
 1-51 system, or a geographic risk assessment to be used for purposes of
 1-52 this section.

1-53 Sec. 265.0042. COLLABORATION WITH INSTITUTIONS OF HIGHER
 1-54 EDUCATION. (a) Subject to the availability of funds, the Health
 1-55 and Human Services Commission, on behalf of the department, shall
 1-56 enter into agreements with institutions of higher education to
 1-57 conduct efficacy reviews of any prevention and early intervention
 1-58 programs that have not previously been evaluated for effectiveness
 1-59 through a scientific research evaluation process.

1-60 (b) Subject to the availability of funds, the department

2-1 shall collaborate with an institution of higher education to create
2-2 and track indicators of child well-being to determine the
2-3 effectiveness of prevention and early intervention services.

2-4 Sec. 265.0043. INTERAGENCY SHARING OF DATA FOR RISK
2-5 MAPPING. Notwithstanding any other provision of law, state
2-6 agencies, including the Texas Education Agency, the Texas Juvenile
2-7 Justice Department, the Health and Human Services Commission, the
2-8 Department of State Health Services, and the Department of Public
2-9 Safety, shall disclose information relevant to preventing or
2-10 reducing the risk factors for child abuse, neglect, or juvenile
2-11 delinquency only to the division for the purpose of implementing
2-12 Section 265.0041.

2-13 Sec. 265.0044. RESTRICTIONS ON USE AND ACCESS. (a) A
2-14 governmental entity may not use information gathered or received
2-15 for the purposes of Section 265.0041 or 265.0042 that identifies or
2-16 that could reasonably identify an individual or family to target
2-17 the individual or family to provide involuntary intervention
2-18 services or for any other purpose other than as authorized by
2-19 Section 265.0041 or 265.0042, unless the governmental entity
2-20 gathered or received the information under other authority.

2-21 (b) A governmental entity that gathers or receives
2-22 information for the purposes of Section 265.0041 or 265.0042 that
2-23 identifies or that could reasonably identify an individual or
2-24 family shall adopt rules to provide safeguards to ensure that:

2-25 (1) the use or disclosure of the information is
2-26 restricted to the purposes of Section 265.0041 or 265.0042;

2-27 (2) only the minimum amount of information necessary
2-28 to carry out the purposes of Section 265.0041 or 265.0042 is used or
2-29 disclosed; and

2-30 (3) only individuals with a justified and documented
2-31 business need are authorized to access the information.

2-32 (c) Except as provided by Subsection (d), information
2-33 gathered or received for the purposes of Section 265.0041 or
2-34 265.0042 is subject to all applicable state and federal laws and
2-35 rules relating to privacy and access to the information.

2-36 (d) Information collected for the purposes of Section
2-37 265.0041 or 265.0042 is confidential and not subject to disclosure
2-38 under Chapter 552, Government Code, or to disclosure in response to
2-39 a subpoena and may not be released or made public except as provided
2-40 by the rules adopted under this section.

2-41 (e) The executive commissioner of the Health and Human
2-42 Services Commission shall adopt rules relating to the use and
2-43 disclosure of information gathered or received for the purposes of
2-44 Section 265.0041 or 265.0042, including rules:

2-45 (1) identifying persons who may receive the
2-46 information;

2-47 (2) creating security procedures to protect the
2-48 information, including requiring the use of nondisclosure
2-49 agreements; and

2-50 (3) enacting any other restriction the executive
2-51 commissioner determines is appropriate.

2-52 Sec. 265.0045. CRIMINAL PENALTY. (a) A person commits an
2-53 offense if the person uses or discloses information in violation of
2-54 Section 265.0044 or a rule relating to the use or disclosure of
2-55 information adopted under that section.

2-56 (b) An offense under Subsection (a) is a state jail felony
2-57 unless it is shown on the trial of the offense that the person has
2-58 previously been convicted under this section, in which case the
2-59 offense is a felony of the third degree.

2-60 SECTION 2. This Act takes effect September 1, 2017.

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