1-1	By: Zaffirini S.B. No. 1061
1-2	(In the Senate - Filed March 5, 2021; March 18, 2021, read
1-3	first time and referred to Committee on Health & Human Services;
1-4	April 19, 2021, reported adversely, with favorable Committee
1-5	Substitute by the following vote: Yeas 9, Nays 0; April 19, 2021,
1-6	sent to printer.)
1-7	COMMITTEE VOTE
1-8	Yea Nay Absent PNV
1-9	Kolkhorst X
1-10	Perry X
1-11	Blanco X
1-12 1-13 1-14 1-15	BuckinghamXCampbellXHallXMilesX
1 <b>-</b> 16	Powell X
1 <b>-</b> 17	Seliger X
1-18	COMMITTEE SUBSTITUTE FOR S.B. No. 1061 By: Powell
1-19	A BILL TO BE ENTITLED
1-20	AN ACT
1-21	<pre>relating to background and criminal history checks for operators</pre>
1-22	and employees of certain child-care facilities.
1-23	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-24	SECTION 1. Section 42.159, Human Resources Code, is amended
1-25	by adding Subsections (b-1), (b-2), and (c-1) to read as follows:
1-26	(b-1) A person subject to the background and criminal
1-27	history check required by Subsection (a) or (b) shall submit to the
1-28	commission a complete set of fingerprints.
1-29	(b-2) The executive commissioner shall adopt rules to
1-30	implement this section. The rules adopted under this section:
1-31	(1) must require that the fingerprints submitted be in
1-32	a form and of a quality acceptable to the Department of Public
1-33	Safety and the Federal Bureau of Investigation for the purpose of
1-34	conducting a criminal history check;
1-35	(2) may require that the fingerprints be submitted
1-36	electronically through an applicant fingerprinting service center;
1-37	and
1-38	(3) may allow the commission to waive a fingerprint
1-39	submission required by this section if:
1-40 1-41 1-42	(A) the person for whom the submission is (i) a fingerprint-based criminal history
1-42	(i) a fingerprint-based criminal history
1-43	check on file with the commission obtained under Section 411.114,
1-44	Government Code; or
1-45	(ii) a fingerprint-based criminal history
1-46	clearinghouse record, as provided by Section 411.0845, Government
1-47	Code, that is accessible to the commission through the Department
1-48	of Public Safety and obtained under Section 411.114, Government
1-49	Code; and
1-50	(B) the commission has an active subscription to
1-51	the Federal Bureau of Investigation's National Record of Arrest and
1-52	Prosecution Back Service for the person for whom the fingerprint
1-53	submission is required.
1-54	(c-1) For each person whose fingerprints are submitted
1-55	under Subsection (b-1), the department shall conduct a state and
1-56	Federal Bureau of Investigation criminal history check by:
1-57	(1) submitting the person's fingerprints, or causing
1-58	the fingerprints to be submitted electronically, to the Department
1-59 1-60	of Public Safety for the purpose of conducting a state and federal criminal history check; and

	C.S.S.B. No. 1061
2-1	(2) using the resulting information made available by
2-2	that department under Section 411.114, Government Code, and by the
2-3	Federal Bureau of Investigation and any other criminal justice
2-4	agency under Section 411.087, Government Code.
2-5	SECTION 2. Section 42.206, Human Resources Code, is amended
2-6	by amending Subsection (b) and adding Subsections (b-1) and (c-1)
2-7	to read as follows:
2-8	(b) In addition to the requirements of Subsection (a), a
2-9	shelter shall submit a complete set of fingerprints of each person
2-10	required to undergo a criminal history check under Subsection (a)
2-11	[ <u>if</u> :
2-12	[(1) the person has lived outside the state at any time
2-13	during the previous five years; or
2-14	[(2) the shelter has reason to suspect that the person
2-15	has a criminal history in another state].
2-16	(b-1) The executive commissioner shall adopt rules to
2-17	implement this section. The rules adopted under this section:
2-18	(1) must require that the fingerprints submitted be in
2-19	a form and of a quality acceptable to the Department of Public
2-20	Safety and the Federal Bureau of Investigation for purposes of
2-21 2-22	conducting a criminal history check; (2) may require that the fingerprints be submitted
2-22	electronically through an applicant fingerprinting service center;
2-24	and
2-24	(3) may allow the commission to waive a fingerprint
2-26	submission required by this section if:
2-27	(A) the person for whom the submission is
2-28	required has:
2-29	(i) a fingerprint-based criminal history
2-30	check on file with the commission obtained under Section 411.114,
2-31	Government Code; or
2-32	(ii) a fingerprint-based criminal history
2-33	clearinghouse record, as provided by Section 411.0845, Government
2-34	Code, that is accessible to the commission through the Department
2-35	of Public Safety and obtained under Section 411.114, Government
2-36	Code; and
2-37	(B) the commission has an active subscription to
2-38 2-39	the Federal Bureau of Investigation's National Record of Arrest and
2-39 2-40	Prosecution Back Service for the person for whom the fingerprint submission is required.
2 <b>-</b> 40 2 <b>-</b> 41	(c-1) For each person whose fingerprints are submitted
2-41 2-42	under Subsection (b), the department shall conduct a state and
2-42	Federal Bureau of Investigation criminal history check by:
2-43	(1) submitting the person's fingerprints, or causing
2-45	the fingerprints to be submitted electronically, to the Department
2-46	of Public Safety for the purpose of conducting a state and federal
2-47	criminal history check; and
2-48	(2) using the resulting information made available by
2-49	that department under Section 411.114, Government Code, and by the
2-50	Federal Bureau of Investigation and any other criminal justice
2-51	agency under Section 411.087, Government Code.
2-52	SECTION 3. This Act takes effect September 1, 2021.
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