

1-1 By: Guillen (Senate Sponsor - Zaffirini) H.B. No. 4123
 1-2 (In the Senate - Received from the House May 10, 2023;
 1-3 May 11, 2023, read first time and referred to Committee on Business
 1-4 & Commerce; May 19, 2023, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 19, 2023, 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	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR H.B. No. 4123 By: Zaffirini

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to access to and use of certain criminal history record
 1-24 information.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 22.0834, Education Code, is amended by
 1-27 amending Subsections (a), (a-1), (b), (c), (d), (e), (f), (h), (l),
 1-28 (o), and (p) and adding Subsections (b-1), (d-1), (d-2), and (q) to
 1-29 read as follows:

1-30 (a) Except as provided by Subsection (a-1), this subsection
 1-31 applies to a person who is not an applicant for or holder of a
 1-32 certificate under Subchapter B, Chapter 21, and who ~~on or after~~
 1-33 ~~January 1, 2008,~~ is offered employment by an entity or a
 1-34 subcontractor of an entity that contracts with a school district,
 1-35 open-enrollment charter school, or shared services arrangement to
 1-36 provide services, if:

1-37 (1) the employee or applicant has or will have
 1-38 continuing duties related to the contracted services; and

1-39 (2) the employee or applicant has or will have direct
 1-40 contact with students.

1-41 (a-1) This section does not apply to an employee or
 1-42 applicant of a public works contractor if:

1-43 (1) the public work does not involve the construction,
 1-44 alteration, or repair of an instructional facility as defined by
 1-45 Section 46.001;

1-46 (2) for public work that involves construction of a
 1-47 new instructional facility, the person's duties related to the
 1-48 contracted services will be completed not later than the seventh
 1-49 day before the first date the facility will be used for
 1-50 instructional purposes; or

1-51 (3) for a public work that involves an existing
 1-52 instructional facility:

1-53 (A) the public work area contains sanitary
 1-54 facilities and is separated from all areas used by students by a
 1-55 secure barrier fence that is not less than six feet in height; and

1-56 (B) the contracting entity adopts a policy
 1-57 prohibiting employees, including subcontracting entity employees,
 1-58 from interacting with students or entering areas used by students,
 1-59 informs employees of the policy, and enforces the policy at the
 1-60 public work area ~~[a contracting entity, subcontracting entity, or~~

2-1 ~~other person subject to Section 22.08341].~~
 2-2 (b) If the contracting entity is a qualified school
 2-3 contractor, a [A] person to whom Subsection (a) applies must submit
 2-4 to a national criminal history record information review by the
 2-5 qualified school contractor [under this section] before being
 2-6 employed or serving in a capacity described by that subsection.
 2-7 (b-1) If the contracting entity or subcontracting entity is
 2-8 not a qualified school contractor, a person to whom Subsection (a)
 2-9 applies must submit to a national criminal history record
 2-10 information review by the school district, charter school, regional
 2-11 education service center, commercial transportation company, or
 2-12 education shared services arrangement.
 2-13 (c) Before or immediately after employing or securing the
 2-14 services of a person to whom Subsection (a) applies, the qualified
 2-15 school contractor or [entity contracting with a] school district,
 2-16 open-enrollment charter school, or shared services arrangement
 2-17 shall send or ensure that the person sends to the department
 2-18 information that is required by the department for obtaining
 2-19 national criminal history record information, which may include
 2-20 fingerprints and photographs. The department shall obtain the
 2-21 person's national criminal history record information and report
 2-22 the results through the criminal history clearinghouse as provided
 2-23 by Section 411.0845, Government Code.
 2-24 (d) A qualified school contractor or [An entity contracting
 2-25 with] a school district, open-enrollment charter school, or shared
 2-26 services arrangement shall obtain all criminal history record
 2-27 information that relates to a person to whom Subsection (a) applies
 2-28 through the criminal history clearinghouse as provided by Section
 2-29 411.0845, Government Code. [The entity shall certify to the school
 2-30 district that the entity has received all criminal history record
 2-31 information relating to a person to whom Subsection (a) applies.]
 2-32 (d-1) A qualified school contractor acting as a contracting
 2-33 entity shall require that any of its subcontracting entities obtain
 2-34 all criminal history record information that relates to an employee
 2-35 to whom Subsection (a) applies if the subcontracting entity is also
 2-36 a qualified school contractor.
 2-37 (d-2) A qualified school contractor shall require that any
 2-38 of its subcontracting entities that are not qualified school
 2-39 contractors comply with Subsection (b-1) as it relates to an
 2-40 employee to whom Subsection (a) applies.
 2-41 (e) The requirements of Subsections (b), (d-1), and (d-2) do
 2-42 not apply to a qualified school contractor if a [A] school district,
 2-43 open-enrollment charter school, or shared services arrangement
 2-44 obtains [may obtain] the criminal history record information of a
 2-45 person to whom this section applies through the criminal history
 2-46 clearinghouse as provided by Section 411.0845, Government Code.
 2-47 (f) In the event of an emergency, a school district may
 2-48 allow a person to whom Subsection (a) [or (g)] applies to enter
 2-49 school district property if the person is accompanied by a district
 2-50 employee. A school district may adopt rules regarding an emergency
 2-51 situation under this subsection.
 2-52 (h) A school district, open-enrollment charter school, [or]
 2-53 shared services arrangement, or qualified school contractor may
 2-54 obtain from any law enforcement or criminal justice agency all
 2-55 criminal history record information that relates to a person to
 2-56 whom this section [Subsection (g)] applies.
 2-57 (l) [A contracting entity shall require that a
 2-58 subcontracting entity obtain all criminal history record
 2-59 information that relates to an employee to whom Subsection (a)
 2-60 applies.] If a contracting or subcontracting entity determines
 2-61 that Subsection (a) does not apply to an employee, the contracting
 2-62 or subcontracting entity shall make a reasonable effort to ensure
 2-63 that the conditions or precautions that resulted in the
 2-64 determination that Subsection (a) did not apply to the employee
 2-65 continue to exist throughout the time that the contracted services
 2-66 are provided.
 2-67 (o) A school district, charter school, regional education
 2-68 service center, commercial transportation company, education
 2-69 shared services arrangement, or qualified school contractor,

3-1 contracting entity, or subcontracting entity may not permit an
3-2 employee to whom Subsection (a) applies to provide services at a
3-3 school if the employee has been convicted of a felony or misdemeanor
3-4 offense that would prevent a person from being employed under
3-5 Section 22.085(a).

3-6 (p) In this section:

3-7 (1) "Contracting entity" means an entity that
3-8 contracts directly with a school district, open-enrollment charter
3-9 school, or shared services arrangement to provide services to the
3-10 school district, open-enrollment charter school, or shared
3-11 services arrangement.

3-12 (2) "Public works contractor" means an entity that
3-13 contracts directly or subcontracts with an entity that contracts
3-14 with a school district, open-enrollment charter school, or shared
3-15 services arrangement to provide services to the school district,
3-16 open-enrollment charter school, or shared services arrangement.

3-17 (3) "Qualified school contractor" has the meaning
3-18 assigned by Section 411.12505, Government Code.

3-19 (4) "Subcontracting entity" means an entity that
3-20 contracts with another entity that is not a school district,
3-21 open-enrollment charter school, or shared services arrangement to
3-22 provide services to a school district, open-enrollment charter
3-23 school, or shared services arrangement.

3-24 (g) A qualified school contractor shall certify to the
3-25 school district, open-enrollment charter school, or shared
3-26 services arrangement that the entity has received all criminal
3-27 history record information relating to a person who is employed by
3-28 or under a current offer of employment by the qualified school
3-29 contractor.

3-30 SECTION 2. Section 22.0835(f), Education Code, is amended
3-31 to read as follows:

3-32 (f) A school district, open-enrollment charter school, or
3-33 shared services arrangement may obtain from the department or any
3-34 law enforcement or criminal justice agency all criminal history
3-35 record information that relates to a person to whom Subsection (e)
3-36 applies.

3-37 SECTION 3. Section 22.085(c), Education Code, is amended to
3-38 read as follows:

3-39 (c) A school district, open-enrollment charter school, or
3-40 shared services arrangement may not allow a person who is an
3-41 employee of or applicant for employment by a qualified school
3-42 contractor or an entity that contracts with the district, school,
3-43 or shared services arrangement to serve at the district or school or
3-44 for the shared services arrangement if the district, school, or
3-45 shared services arrangement obtains information described by
3-46 Subsection (a) through a criminal history record information review
3-47 concerning the employee or applicant. A school district,
3-48 open-enrollment charter school, or shared services arrangement
3-49 must ensure that an entity that the district, school, or shared
3-50 services arrangement contracts with for services has obtained all
3-51 criminal history record information as required by Section 22.0834
3-52 [or 22.08341].

3-53 SECTION 4. Section 1104.402(a), Estates Code, is amended to
3-54 read as follows:

3-55 (a) Except as provided by Section [~~1104.403~~,] 1104.404[~~7~~]
3-56 or 1104.406(a), the clerk of the county having venue of the
3-57 proceeding for the appointment of a guardian shall obtain criminal
3-58 history record information that is maintained by the Department of
3-59 Public Safety or the Federal Bureau of Investigation identification
3-60 division relating to[+]

3-61 [~~(1) a private professional guardian,~~

3-62 [~~(2) each person who represents or plans to represent~~
3-63 ~~the interests of a ward as a guardian on behalf of the private~~
3-64 ~~professional guardian,~~

3-65 [~~(3) each person employed by a private professional~~
3-66 ~~guardian who will:~~

3-67 [~~(A) have personal contact with a ward or~~
3-68 ~~proposed ward,~~

3-69 [~~(B) exercise control over and manage a ward's~~

4-1 estate, or
 4-2 [~~(C)~~ perform any duties with respect to the
 4-3 management of a ward's estate,
 4-4 [~~(4)~~ each person employed by or volunteering or
 4-5 contracting with a guardianship program to provide guardianship
 4-6 services to a ward of the program on the program's behalf, or
 4-7 [~~(5)~~] any [~~other~~] person proposed to serve as a
 4-8 guardian under this title, including a proposed temporary guardian,
 4-9 [~~and~~] a proposed successor guardian, or any person who will have
 4-10 contact with the proposed ward or the proposed ward's estate on
 4-11 behalf of the proposed guardian, other than an attorney or a person
 4-12 who is a certified guardian.

4-13 SECTION 5. Section 1104.404, Estates Code, is amended to
 4-14 read as follows:

4-15 Sec. 1104.404. EXCEPTION FOR INFORMATION CONCERNING
 4-16 CERTAIN PERSONS. (a) The clerk described by Section 1104.402 is
 4-17 not required to obtain criminal history record information from the
 4-18 Department of Public Safety for a person if the Judicial Branch
 4-19 Certification Commission conducted a criminal history check on the
 4-20 person under Sections 155.203 and 155.207 [~~Chapter 155~~], Government
 4-21 Code. However, the clerk shall obtain criminal history record
 4-22 information from the Federal Bureau of Investigation
 4-23 identification division relating to each person described by
 4-24 Section 1104.402.

4-25 (b) The commission [~~board~~] shall provide to the clerk [~~at~~
 4-26 ~~the court's request~~] the criminal history record information that
 4-27 was obtained from the Department of Public Safety [~~or the Federal~~
 4-28 ~~Bureau of Investigation~~]. The commission is prohibited from
 4-29 disseminating criminal history record information that was
 4-30 obtained from the Federal Bureau of Investigation under Section
 4-31 411.1408, Government Code, for purposes of determining whether an
 4-32 applicant is ineligible for certification as a guardian.

4-33 SECTION 6. Section 1104.405(a), Estates Code, is amended to
 4-34 read as follows:

4-35 (a) Criminal history record information obtained or
 4-36 provided under Section 1104.402 [~~, 1104.403,~~] or 1104.404 is
 4-37 privileged and confidential and is for the exclusive use of the
 4-38 court. The criminal history record information may not be released
 4-39 or otherwise disclosed to any person or agency except on court order
 4-40 [~~or consent of the person being investigated~~]. The court may use
 4-41 the criminal history record information only to determine whether
 4-42 to:

4-43 (1) appoint, remove, or continue the appointment of a
 4-44 private professional guardian, a guardianship program, or the
 4-45 Health and Human Services Commission; or

4-46 (2) appoint any person proposed to serve as a guardian
 4-47 under this title, including a proposed temporary guardian, a
 4-48 proposed successor guardian, or any person who will have contact
 4-49 with the proposed ward or the proposed ward's estate on behalf of
 4-50 the proposed guardian, other than an attorney or a certified
 4-51 guardian.

4-52 SECTION 7. Section 14.151(a), Finance Code, is amended to
 4-53 read as follows:

4-54 (a) The commissioner or an assistant commissioner,
 4-55 examiner, or other employee of the office shall obtain criminal
 4-56 history record information maintained by the Department of Public
 4-57 Safety, the Federal Bureau of Investigation Identification
 4-58 Division, or another law enforcement agency relating to a person
 4-59 described by Section 411.095(a) [~~411.095(a)(1)~~], Government Code.

4-60 SECTION 8. Section 152.203, Government Code, is amended to
 4-61 read as follows:

4-62 Sec. 152.203. RULES ON INELIGIBILITY. The supreme court
 4-63 shall by order adopt rules on an applicant's [~~applicants'~~]
 4-64 ineligibility for certification, registration, or licensing under
 4-65 this subtitle based on the applicant's [~~person's~~] criminal history
 4-66 or other information that indicates the applicant [~~person~~] lacks
 4-67 the honesty, trustworthiness, or integrity to hold the
 4-68 certification, registration, or license. The commission shall, in
 4-69 accordance with this section and rules adopted by order of the

5-1 United States Supreme Court, obtain criminal history record
 5-2 information that is maintained by the Department of Public Safety
 5-3 or the Federal Bureau of Investigation identification division on
 5-4 each applicant for certification, registration, or licensing under
 5-5 this subtitle to be used only for the determination of each
 5-6 applicant's ineligibility under rules adopted by United States
 5-7 Supreme Court order under this section. The commission may not use
 5-8 criminal history record information obtained from the Federal
 5-9 Bureau of Investigation identification division under this section
 5-10 for any other purpose. The commission may not transfer criminal
 5-11 history record information obtained from the Federal Bureau of
 5-12 Investigation identification division under this section to any
 5-13 other state agency, entity, or person. The commission shall
 5-14 destroy criminal history record information immediately after each
 5-15 determination of ineligibility is made.

5-16 SECTION 9. Section 155.205, Government Code, is amended to
 5-17 read as follows:

5-18 Sec. 155.205. DUTY TO OBTAIN CRIMINAL HISTORY RECORD
 5-19 INFORMATION. (a) In accordance with Subsection (c) and the rules
 5-20 adopted by the supreme court under Section 155.203, the commission
 5-21 shall obtain criminal history record information that is maintained
 5-22 by the Department of Public Safety. The clerk shall obtain in
 5-23 accordance with Subsection (b) criminal history record information
 5-24 from ~~[or]~~ the Federal Bureau of Investigation identification
 5-25 division relating to an individual seeking appointment as a
 5-26 guardian or temporary guardian.

5-27 (b) The clerk ~~[commission]~~ shall obtain~~[+~~
 5-28 ~~[(1)]~~ fingerprint-based criminal history record
 5-29 information of a proposed guardian if:

5-30 (1) ~~[(A)]~~ the liquid assets of the estate of a ward
 5-31 exceed \$50,000; or

5-32 (2) ~~[(B)]~~ the proposed guardian is not a resident of
 5-33 this state.

5-34 (c) The commission shall obtain~~[+, or~~
 5-35 ~~[(2)]~~ name-based criminal history record information
 5-36 of a proposed guardian, including any criminal history record
 5-37 information under the current name and all former names of the
 5-38 proposed guardian, if:

5-39 (1) ~~[(A)]~~ the liquid assets of the estate of a ward are
 5-40 \$50,000 or less; and

5-41 (2) ~~[(B)]~~ the proposed guardian is a resident of this
 5-42 state.

5-43 (d) Each proposed guardian described by Subsection (b)
 5-44 shall file with the commission proof of having submitted to a
 5-45 fingerprint-based criminal history search.

5-46 SECTION 10. Section 155.207(a), Government Code, is amended
 5-47 to read as follows:

5-48 (a) The commission shall use the criminal history record
 5-49 information obtained under this subchapter only for a purpose
 5-50 authorized by this subchapter ~~[or to maintain the registration of a~~
 5-51 ~~guardianship under Subchapter D].~~

5-52 SECTION 11. Section 411.082, Government Code, is amended by
 5-53 adding Subdivisions (1-a) and (1-b) to read as follows:

5-54 (1-a) "Applicant" means an individual who submits an
 5-55 application for employment, licensure, certification, or
 5-56 registration that requires the department to conduct a background
 5-57 check using criminal history record information.

5-58 (1-b) "Application" means an application submitted by
 5-59 hard copy or electronically for employment, licensure,
 5-60 certification, or registration that requires the department to
 5-61 conduct a background check using criminal history record
 5-62 information.

5-63 SECTION 12. Section 411.084, Government Code, is amended by
 5-64 amending Subsection (b) and adding Subsection (d) to read as
 5-65 follows:

5-66 (b) Notwithstanding Subsection (a) or any other provision
 5-67 in this subchapter relating to the release or disclosure of such
 5-68 information, criminal history record information obtained from the
 5-69 Federal Bureau of Investigation may be released or disclosed only

6-1 to a governmental entity or as authorized by federal law and
6-2 regulations, federal executive orders, and federal policy.

6-3 (d) Notwithstanding any other provision of this subchapter,
6-4 a private entity that purchases information from the department is
6-5 not required to provide proof of cyber-threat insurance coverage or
6-6 post a performance bond if that entity:

6-7 (1) provides proof of an audit by a certified public
6-8 accountant certifying that the requestor has implemented internal
6-9 controls and security protocols that are consistent with the
6-10 National Institute of Standards and Technology standards for
6-11 cybersecurity and approved by the Department of Information
6-12 Resources or an IT cybersecurity professional certified by the
6-13 National Institute of Standards and Technology or a similar
6-14 organization;

6-15 (2) provides proof of Payment Card Industry Data
6-16 Security Standard (PCI DSS) certification or certification by a
6-17 similar organization recognized by the Department of Information
6-18 Resources; or

6-19 (3) provides proof of compliance with voluntary
6-20 compliance standards for cybersecurity developed by a national
6-21 organization of certified public accountants for the management of
6-22 customer data, including SOC 1, SOC 2, or SOC.

6-23 SECTION 13. Section 411.0891, Government Code, is amended
6-24 by amending Subsections (a), (b), and (d) and adding Subsections
6-25 (a-1) and (e) to read as follows:

6-26 (a) ~~The [Subject to Section 411.087, the] department may [is~~
6-27 ~~authorized to]~~ obtain as provided by Subsection (a-1) ~~[and use]~~
6-28 ~~criminal history record information [maintained by the Federal~~
6-29 ~~Bureau of Investigation or the department]~~ that relates to a person
6-30 who:

6-31 (1) is an applicant for or holds a registration issued
6-32 by the director under Subchapter C, Chapter 481, Health and Safety
6-33 Code, that authorizes the person to manufacture, distribute,
6-34 analyze, or conduct research with a controlled substance;

6-35 (2) is an applicant for or holds a registration issued
6-36 by the department under Chapter 487, Health and Safety Code, to be a
6-37 director, manager, or employee of a dispensing organization, as
6-38 defined by Section 487.001, Health and Safety Code;

6-39 (3) is an applicant for or holds an authorization
6-40 issued by the department under Section 521.2476, Transportation
6-41 Code, to do business in this state as a vendor of ignition interlock
6-42 devices;

6-43 (4) is an applicant for or holds certification by the
6-44 department as an inspection station or an inspector under
6-45 Subchapter G, Chapter 548, Transportation Code, holds an inspection
6-46 station or inspector certificate issued under that subchapter, or
6-47 is the owner of an inspection station operating under that chapter;
6-48 ~~[or]~~

6-49 (5) is an applicant for or holds a certificate of
6-50 registration issued by the department under Chapter 1956,
6-51 Occupations Code, to act as a metal recycling entity;

6-52 (6) is an applicant for or holds a license to carry a
6-53 handgun issued by the department under Subchapter H, or is an
6-54 applicant for or holds a certification as an instructor issued by
6-55 the department under this chapter;

6-56 (7) is an applicant for or holds a Capitol access pass
6-57 issued by the department under Section 411.0625; or

6-58 (8) is an applicant for or holds a license or
6-59 commission issued by the department under Chapter 1702, Occupations
6-60 Code.

6-61 (a-1) Subject to Section 411.087 and consistent with the
6-62 public policy of this state, the department is entitled to:

6-63 (1) obtain through the Federal Bureau of Investigation
6-64 criminal history record information maintained or indexed by that
6-65 bureau that pertains to a person described by Subsection (a); and

6-66 (2) obtain from any other criminal justice agency in
6-67 this state criminal history record information maintained by that
6-68 criminal justice agency that relates to a person described by
6-69 Subsection (a).

7-1 (b) The department may not release or disclose to any person
 7-2 criminal history record information obtained from the Federal
 7-3 Bureau of Investigation under Subsection (a-1)(1). The department
 7-4 may release or disclose criminal history record information
 7-5 obtained [~~or used~~] by the department under Subsection (a-1)(2) for
 7-6 a purpose described by Subsection (a) to another person or agency
 7-7 only:

- 7-8 (1) in a criminal proceeding;
- 7-9 (2) in a hearing conducted by the department;
- 7-10 (3) under an order from a court; or
- 7-11 (4) with the consent of the person who is the subject

7-12 of the criminal history record information.
 7-13 (d) The department may require any person for whom the
 7-14 department is authorized to obtain [~~and use~~] criminal history
 7-15 record information [~~maintained by the Federal Bureau of~~
 7-16 Investigation or the department] under Subsections [Subsection]
 7-17 (a) and (a-1) to submit a complete and legible set of fingerprints
 7-18 to the department on a form prescribed by the department for the
 7-19 purpose of obtaining criminal history record information.

7-20 (e) The department shall destroy criminal history record
 7-21 information that is obtained under this section after the
 7-22 information is used for its authorized purpose.

7-23 SECTION 14. Section 411.090, Government Code, is amended by
 7-24 amending Subsections (a) and (b) and adding Subsections (a-1), (d),
 7-25 and (e) to read as follows:

7-26 (a) The State Board for Educator Certification is entitled
 7-27 to obtain [~~from the department~~] any criminal history record
 7-28 information as provided by Subsection (a-1) [~~maintained by the~~
 7-29 department] about a person who has applied to the board for or who
 7-30 currently holds a certificate under Subchapter B, Chapter 21,
 7-31 Education Code.

7-32 (a-1) Subject to Section 411.087 and consistent with the
 7-33 public policy of this state, the State Board for Educator
 7-34 Certification is entitled to:

- 7-35 (1) obtain through the Federal Bureau of Investigation
 7-36 criminal history record information maintained or indexed by that
 7-37 bureau that pertains to a person described by Subsection (a); and
- 7-38 (2) obtain from the department or any other criminal
 7-39 justice agency in this state criminal history record information
 7-40 maintained by the department or that criminal justice agency that
 7-41 relates to a person described by Subsection (a).

7-42 (b) The State Board for Educator Certification may not
 7-43 release or disclose to any person criminal history record
 7-44 information obtained from the Federal Bureau of Investigation under
 7-45 Subsection (a-1)(1). Criminal history record information obtained
 7-46 by the board under Subsection (a-1)(2) in the original form or any
 7-47 subsequent form:

- 7-48 (1) may be used only for a purpose related to the
 7-49 issuance, denial, reprimand, suspension, revocation, or
 7-50 cancellation of a certificate issued by the board;
- 7-51 (2) may not be released to any person except:
 - 7-52 (A) to the person who is the subject of the
 7-53 information;
 - 7-54 (B) to the Texas Education Agency;
 - 7-55 (C) to a local or regional educational entity as
 7-56 provided by Section 411.097; or
 - 7-57 (D) by court order; and

7-58 (3) is not subject to disclosure as provided by
 7-59 Chapter 552 [~~, and~~
 7-60 [(4) shall be destroyed by the board after the
 7-61 information is used for the authorized purposes].

7-62 (d) The State Board for Educator Certification is not
 7-63 prohibited from disclosing criminal history record information
 7-64 obtained under Subsection (a-1)(2) in a criminal proceeding or in a
 7-65 hearing conducted by the Texas Education Agency or the State Board
 7-66 for Educator Certification.

7-67 (e) The State Board for Educator Certification shall
 7-68 destroy criminal history record information that is obtained under
 7-69 this section after the information is used for its authorized

8-1 purpose.

8-2 SECTION 15. Section 411.0901, Government Code, is amended
 8-3 by amending Subsections (a) and (b) and adding Subsections (a-1),
 8-4 (c), and (d) to read as follows:

8-5 (a) The Texas Education Agency is entitled to obtain
 8-6 criminal history record information as provided by Subsection (a-1)
 8-7 ~~[maintained by the department]~~ about a person who:

8-8 (1) is employed or is an applicant for employment by a
 8-9 school district or open-enrollment charter school;

8-10 (2) is employed or is an applicant for employment by a
 8-11 shared services arrangement, if the employee's or applicant's
 8-12 duties are or will be performed on school property or at another
 8-13 location where students are regularly present; ~~[or]~~

8-14 (3) is employed or is an applicant for employment by an
 8-15 entity that contracts or subcontracts with a school district,
 8-16 open-enrollment charter school, or shared services arrangement, if
 8-17 the applicant or employee has or will have:

8-18 (A) continuing duties related to the contracted
 8-19 or subcontracted services; and

8-20 (B) direct contact with students;

8-21 (4) is employed or is an applicant for employment by
 8-22 the Texas Education Agency; or

8-23 (5) provides services as a tutor on behalf of a service
 8-24 provider that offers accelerated or supplemental instruction under
 8-25 Section 28.0211, Education Code, if the tutor has or will have
 8-26 continuing duties related to the services provided and has or will
 8-27 have direct contact with students [if:

8-28 ~~[(A) the employee or applicant has or will have~~
 8-29 ~~continuing duties relating to the contracted services; and~~

8-30 ~~[(B) the employee or applicant has or will have~~
 8-31 ~~direct contact with students].~~

8-32 (a-1) Subject to Section 411.087 and consistent with the
 8-33 public policy of this state, the Texas Education Agency is entitled
 8-34 to:

8-35 (1) obtain through the Federal Bureau of Investigation
 8-36 criminal history record information maintained or indexed by that
 8-37 bureau that pertains to a person described by Subsection (a); and

8-38 (2) obtain from the department or any other criminal
 8-39 justice agency in this state criminal history record information
 8-40 maintained by the department or that criminal justice agency that
 8-41 relates to a person described by Subsection (a).

8-42 (b) The Texas Education Agency may not release or disclose
 8-43 to any person criminal history record information obtained from the
 8-44 Federal Bureau of Investigation under Subsection (a-1)(1).
 8-45 Criminal history record information obtained by the agency under
 8-46 Subsection (a-1)(2) in the original form or any subsequent form:

8-47 (1) may be used only for a purpose authorized by the
 8-48 Education Code;

8-49 (2) may not be released to any person except:

8-50 (A) the person who is the subject of the
 8-51 information;

8-52 (B) the State Board for Educator Certification;

8-53 (C) a local or regional educational entity as
 8-54 provided by Section 411.097; ~~[or]~~

8-55 (D) by court order; or

8-56 (E) as provided by Subsection (c); and

8-57 (3) is not subject to disclosure as provided by
 8-58 Chapter 552 ~~[, and~~

8-59 ~~[(4) shall be destroyed by the agency after the~~
 8-60 ~~information is used for the authorized purposes].~~

8-61 (c) The Texas Education Agency is not prohibited from
 8-62 disclosing criminal history record information obtained under
 8-63 Subsection (a-1)(2) in a criminal proceeding or in a hearing
 8-64 conducted by the Texas Education Agency or the State Board for
 8-65 Educator Certification.

8-66 (d) The Texas Education Agency shall destroy criminal
 8-67 history record information that is obtained under this section
 8-68 after the information is used for its authorized purpose.

8-69 SECTION 16. Section 411.093, Government Code, is amended to

9-1 read as follows:

9-2 Sec. 411.093. ACCESS TO CRIMINAL HISTORY RECORD
 9-3 INFORMATION: TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a)
 9-4 The Texas Department of Licensing and Regulation is entitled to
 9-5 obtain ~~[from the department]~~ criminal history record information as
 9-6 provided by Subsection (b) ~~[maintained the department]~~ that
 9-7 relates to ~~[a person who is]~~:

9-8 (1) an applicant for or the holder of:
 9-9 (A) a driver education instructor license under
 9-10 Chapter 1001, Education Code;
 9-11 (B) a license under Chapter 202, Occupations
 9-12 Code;
 9-13 (C) a license under Chapter 401, Occupations
 9-14 Code;
 9-15 (D) a license under Chapter 402, Occupations Code
 9-16 ~~[a license, certificate, registration, title, or permit issued by~~
 9-17 ~~the department]~~; or
 9-18 (E) an instructor license or motorcycle school
 9-19 license under Chapter 662, Transportation Code;

9-20 (2) a person who is:
 9-21 (A) an applicant for or the holder of a license
 9-22 under Chapter 91, Labor Code; or
 9-23 (B) a controlling person, as defined by Chapter
 9-24 91, Labor Code, of an entity described by Paragraph (A); or

9-25 (3) a person who:
 9-26 (A) is an applicant for or the holder of a license
 9-27 under Chapter 455, Occupations Code; or
 9-28 (B) has an interest described under Section
 9-29 455.1525(e), Occupations Code, in an entity described by Paragraph
 9-30 (A) ~~[, certificate, registration, title, or permit issued by the~~
 9-31 ~~department]~~.

9-32 (b) Subject to Section 411.087 and consistent with the
 9-33 public policy of this state, the Texas Department of Licensing and
 9-34 Regulation is entitled to:

9-35 (1) obtain through the Federal Bureau of Investigation
 9-36 criminal history record information maintained or indexed by that
 9-37 bureau that pertains to a person described by Subsection (a); and
 9-38 (2) obtain from the department or any other criminal
 9-39 justice agency in this state criminal history record information
 9-40 maintained by the department or that criminal justice agency that
 9-41 relates to a person described by Subsection (a).

9-42 (c) The Texas Department of Licensing and Regulation may not
 9-43 release or disclose to any person criminal history record
 9-44 information obtained from the Federal Bureau of Investigation under
 9-45 Subsection (b)(1). Criminal history record information obtained by
 9-46 the Texas Department of Licensing and Regulation under Subsection
 9-47 (b)(2) may not be released or disclosed to any person except on
 9-48 court order, with the written consent of the person who is the
 9-49 subject of the criminal history record information, or as provided
 9-50 by Subsection (d).

9-51 (d) The Texas Department of Licensing and Regulation is not
 9-52 prohibited from disclosing criminal history record information
 9-53 obtained under Subsection (b)(2) in a criminal proceeding or in a
 9-54 hearing conducted by the Texas Department of Licensing and
 9-55 Regulation or the State Office of Administrative Hearings.

9-56 (e) The Texas Department of Licensing and Regulation shall
 9-57 destroy criminal history record information that is obtained under
 9-58 this section after the information is used for its authorized
 9-59 purpose.

9-60 SECTION 17. Section 411.095, Government Code, is amended to
 9-61 read as follows:

9-62 Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD
 9-63 INFORMATION: CONSUMER CREDIT COMMISSIONER. (a) The consumer
 9-64 credit commissioner is entitled to obtain ~~[from the department]~~
 9-65 criminal history record information as provided by Subsection (a-1)
 9-66 that relates to a person who is:

9-67 (1) an applicant for or holder of a license or
 9-68 registration under Chapter 180, 342, 347, 348, 351, 353, 371, 393,
 9-69 or 394, Finance Code;

- 10-1 (2) an employee of or volunteer with the Office of
- 10-2 Consumer Credit Commissioner;
- 10-3 (3) an applicant for employment with the Office of
- 10-4 Consumer Credit Commissioner; ~~[or]~~
- 10-5 (4) a contractor or subcontractor of the Office of
- 10-6 Consumer Credit Commissioner; or
- 10-7 (5) an officer, director, owner, or employee of a
- 10-8 person described by Subdivision (1) or another person having a
- 10-9 substantial relationship with that person under Chapter 180, 342,
- 10-10 347, 348, 351, 353, 371, 393, or 394, Finance Code.

10-11 (a-1) Subject to Section 411.087 and consistent with the

10-12 public policy of this state, the consumer credit commissioner is

10-13 entitled to:

10-14 (1) obtain through the Federal Bureau of Investigation

10-15 criminal history record information maintained or indexed by that

10-16 bureau that pertains to a person described by Subsection (a); and

10-17 (2) obtain from the department or any other criminal

10-18 justice agency in this state criminal history record information

10-19 maintained by the department or that criminal justice agency that

10-20 relates to a person described by Subsection (a).

10-21 (b) The consumer credit commissioner may not release or

10-22 disclose to any person criminal history record information obtained

10-23 from the Federal Bureau of Investigation under Subsection (a-1)(1).

10-24 The consumer credit commissioner may not release or disclose

10-25 criminal history record information obtained under Subsection

10-26 (a-1)(2) except ~~[this section unless]:~~

10-27 (1) ~~[the information is obtained from a~~

10-28 ~~fingerprint-based search; and~~

10-29 ~~[(2) the information is released or disclosed:~~

10-30 ~~[(A)] on court order;~~

10-31 (2) ~~[(B)]~~ to the person who is the subject of the

10-32 criminal history record information; ~~[or]~~

10-33 (3) ~~[(C)]~~ with the consent of the person who is the

10-34 subject of the criminal history record information; or

10-35 (4) in a hearing where the Office of Consumer Credit

10-36 Commissioner is a party.

10-37 (c) The consumer credit commissioner shall destroy criminal

10-38 history record information that is obtained under this section

10-39 after the information is used for its authorized purpose.

10-40 SECTION 18. Section 411.096, Government Code, is amended to

10-41 read as follows:

10-42 Sec. 411.096. ACCESS TO CRIMINAL HISTORY RECORD

10-43 INFORMATION: TEXAS RACING COMMISSION. (a) The Texas Racing

10-44 Commission is entitled to obtain as provided by Subsection (a-1)

10-45 ~~[from the department]~~ criminal history record information

10-46 ~~[maintained by the department]~~ that relates ~~[pertains]~~ to ~~[a person~~

10-47 ~~who is]~~:

10-48 (1) a person who:

10-49 (A) is an applicant for or the holder of a license

10-50 or certificate under Chapter 2025, Occupations Code;

10-51 (B) is an owner or manager of an applicant or

10-52 license holder described by Paragraph (A); or

10-53 (C) has an interest described under Chapter 2025,

10-54 Occupations Code, in an entity described by that chapter;

10-55 (2) an applicant for employment at or current employee

10-56 of:

10-57 (A) the Texas Racing Commission; or

10-58 (B) a place of employment within the racing

10-59 industry of this state; or

10-60 (3) an applicant for employment at, current employee

10-61 of, or person who contracts or may contract to provide goods or

10-62 services with the Texas Racing Commission ~~[appointed to the~~

10-63 ~~commission,~~

10-64 ~~[(2) an applicant for employment by the commission; or~~

10-65 ~~[(3) an applicant for a license under Subtitle A-1,~~

10-66 ~~Title 13, Occupations Code (Texas Racing Act)].~~

10-67 (a-1) Subject to Section 411.087 and consistent with the

10-68 public policy of this state, the Texas Racing Commission is

10-69 entitled to:

11-1 (1) obtain through the Federal Bureau of Investigation
 11-2 criminal history record information maintained or indexed by that
 11-3 bureau that pertains to a person described by Subsection (a); and
 11-4 (2) obtain from the department or any other criminal
 11-5 justice agency in this state criminal history record information
 11-6 maintained by the department or that criminal justice agency that
 11-7 relates to a person described by Subsection (a).

11-8 (b) The Texas Racing Commission may not release or disclose
 11-9 to any person criminal history record information obtained from the
 11-10 Federal Bureau of Investigation under Subsection (a-1)(1).
 11-11 Criminal history record information obtained by the Texas Racing
 11-12 Commission ~~commission~~ under Subsection (a-1)(2) ~~[(a)]~~ may not be
 11-13 released or disclosed to any person except ~~[in a criminal~~
 11-14 ~~proceeding, in a hearing conducted by the commission,~~ on court
 11-15 order, ~~[or]~~ with the written consent of the person who is the
 11-16 subject of the criminal history record information, or as provided
 11-17 by Subsection (c) ~~[applicant]~~.

11-18 (c) The Texas Racing Commission is not prohibited from
 11-19 disclosing criminal history record information obtained under
 11-20 Subsection (a-1)(2) in a criminal proceeding or in a hearing
 11-21 conducted by the Texas Racing Commission or the State Office of
 11-22 Administrative Hearings.

11-23 (d) The Texas Racing Commission shall destroy criminal
 11-24 history record information that is obtained under this section
 11-25 after the information is used for its authorized purpose.

11-26 SECTION 19. Section 411.097, Government Code, is amended by
 11-27 amending Subsections (a), (b), (c), and (d) and adding Subsections
 11-28 (c-1), (g), and (h) to read as follows:

11-29 (a) A school district, charter school, private school,
 11-30 regional education service center, commercial transportation
 11-31 company, or education shared services arrangement, or an entity
 11-32 that contracts to provide services to a school district, charter
 11-33 school, or shared services arrangement, is entitled to obtain ~~[from~~
 11-34 ~~the department]~~ criminal history record information as provided by
 11-35 Subsection (c-1) ~~[maintained by the department]~~ that the district,
 11-36 school, service center, shared services arrangement, or entity is
 11-37 required or authorized to obtain under Subchapter C, Chapter 22,
 11-38 Education Code, that relates to a person who is:

11-39 (1) an applicant for employment by the district,
 11-40 school, service center, or shared services arrangement;

11-41 (2) an employee of or an applicant for employment with
 11-42 a public or commercial transportation company that contracts with
 11-43 the district, school, service center, or shared services
 11-44 arrangement to provide transportation services if the employee
 11-45 drives or the applicant will drive a bus in which students are
 11-46 transported or is employed or is seeking employment as a bus monitor
 11-47 or bus aide on a bus in which students are transported; ~~[or]~~

11-48 (3) an employee of or applicant for employment by an
 11-49 entity that contracts to provide services to a school district,
 11-50 charter school, or shared services arrangement as provided by
 11-51 Section 22.0834 ~~[or 22.08341]~~, Education Code;

11-52 (4) an employee of or applicant for employment by a
 11-53 subcontractor of an entity that contracts to provide services to a
 11-54 school district, charter school, or shared services arrangement as
 11-55 provided by Section 22.0834, Education Code; or

11-56 (5) a tutor who provides services on behalf of a
 11-57 service provider that offers accelerated or supplemental
 11-58 instruction under Section 28.0211, Education Code.

11-59 (b) A school district, charter school, private school,
 11-60 regional education service center, or education shared services
 11-61 arrangement is entitled to obtain ~~[from the department]~~ criminal
 11-62 history record information as provided by Subsection (c-1)
 11-63 ~~[maintained by the department]~~ that the district, school, service
 11-64 center, or shared services arrangement is required or authorized to
 11-65 obtain under Subchapter C, Chapter 22, Education Code, that relates
 11-66 to a person who is a volunteer, student teacher, or employee of the
 11-67 district, school, service center, or shared services arrangement.

11-68 (c) An open-enrollment charter school is entitled to obtain
 11-69 ~~[from the department]~~ criminal history record information as

12-1 provided by Subsection (c-1) [~~maintained by the department~~] that
12-2 relates to a person who:

12-3 (1) is a member of the governing body of the school, as
12-4 defined by Section 12.1012, Education Code; or

12-5 (2) has agreed to serve as a member of the governing
12-6 body of the school.

12-7 (c-1) Subject to Section 411.087 and consistent with the
12-8 public policy of this state:

12-9 (1) a school district, charter school, regional
12-10 education service center, or education shared services arrangement
12-11 is entitled to obtain through the Federal Bureau of Investigation
12-12 criminal history record information maintained or indexed by that
12-13 bureau that pertains to a person described by Subsection (a), (b),
12-14 or (c), as applicable; and

12-15 (2) a school district, charter school, private school,
12-16 regional education service center, commercial transportation
12-17 company, or education shared services arrangement, or an entity
12-18 that contracts to provide services to a school district, charter
12-19 school, or shared services arrangement, is entitled to obtain from
12-20 the department or any other criminal justice agency in this state
12-21 criminal history record information maintained by the department or
12-22 that criminal justice agency that relates to a person described by
12-23 Subsection (a), (b), or (c), as applicable.

12-24 (d) A school district, charter school, regional education
12-25 service center, or education shared services arrangement may not
12-26 release or disclose to any person criminal history record
12-27 information obtained from the Federal Bureau of Investigation under
12-28 Subsection (c-1)(1). Criminal history record information obtained
12-29 by a school district, charter school, private school, service
12-30 center, commercial transportation company, or shared services
12-31 arrangement, or obtained by an entity that contracts to provide
12-32 services to a school district, charter school, or shared services
12-33 arrangement, under Subsection (c-1)(2) in the original form or any
12-34 subsequent form:

12-35 (1) may not be released to any person except:

12-36 (A) the individual who is the subject of the
12-37 information;

12-38 (B) the Texas Education Agency;

12-39 (C) the State Board for Educator Certification;

12-40 (D) the chief personnel officer of the
12-41 transportation company, if the information is obtained under
12-42 Subsection (a)(2); or

12-43 (E) by court order; and

12-44 (2) is not subject to disclosure as provided by
12-45 Chapter 552 ~~[, and~~

12-46 ~~[(3) shall be destroyed by the school district,~~
12-47 ~~charter school, private school, service center, commercial~~
12-48 ~~transportation company, or shared services arrangement on the~~
12-49 ~~earlier of:~~

12-50 ~~[(A) the first anniversary of the date the~~
12-51 ~~information was originally obtained; or~~

12-52 ~~[(B) the date the information is used for the~~
12-53 ~~authorized purpose].~~

12-54 (g) A school district, charter school, private school,
12-55 regional education service center, commercial transportation
12-56 company, or education shared services arrangement or an entity that
12-57 contracts to provide services to a school district, charter school,
12-58 or shared services arrangement, as applicable, is not prohibited
12-59 from disclosing criminal history record information obtained under
12-60 Subsection (c-1)(2) in a criminal proceeding or in a hearing
12-61 conducted by the Texas Education Agency or the State Board for
12-62 Educator Certification.

12-63 (h) A school district, charter school, private school,
12-64 regional education service center, commercial transportation
12-65 company, or education shared services arrangement or an entity that
12-66 contracts to provide services to a school district, charter school,
12-67 or shared services arrangement, as applicable, shall destroy
12-68 criminal history record information that is obtained under this
12-69 section after the information is used for its authorized purpose.

13-1 SECTION 20. Section 411.0995, Government Code, is amended
 13-2 to read as follows:

13-3 Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD
 13-4 INFORMATION: STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) The
 13-5 State Board of Veterinary Medical Examiners is entitled to obtain
 13-6 [~~from the department~~] criminal history record information as
 13-7 provided by Subsection (b) [maintained by the department] that
 13-8 relates to a license under Chapter 801, Occupations Code, for a
 13-9 person who is:

13-10 (1) an applicant for:

13-11 (A) a license, temporary license, or special
 13-12 license to practice veterinary medicine;

13-13 (B) a veterinary technician license; or

13-14 (C) an equine dental provider license; or

13-15 (2) a holder of a license described by Subdivision

13-16 (1)(A), (B), or (C) [~~(1) an applicant for a license to practice~~
 13-17 equine dentistry under Chapter 801, Occupations Code; or

13-18 [~~(2) the holder of a license under that chapter].~~

13-19 (b) Subject to Section 411.087 and consistent with the
 13-20 public policy of this state, the State Board of Veterinary Medical
 13-21 Examiners is entitled to:

13-22 (1) obtain through the Federal Bureau of Investigation
 13-23 criminal history record information maintained or indexed by that
 13-24 bureau that pertains to a person described by Subsection (a); and

13-25 (2) obtain from the department or any other criminal
 13-26 justice agency in this state criminal history record information
 13-27 maintained by the department or that criminal justice agency that
 13-28 relates to a person described by Subsection (a).

13-29 (c) The State Board of Veterinary Medical Examiners may not
 13-30 release or disclose to any person criminal history record
 13-31 information obtained from the Federal Bureau of Investigation under
 13-32 Subsection (b)(1). Criminal history record information obtained by
 13-33 the State Board of Veterinary Medical Examiners under Subsection
 13-34 (b)(2) may not be released or disclosed to any person except on
 13-35 court order, with the written consent of the person who is the
 13-36 subject of the criminal history record information, or as provided
 13-37 by Subsection (d).

13-38 (d) The State Board of Veterinary Medical Examiners is not
 13-39 prohibited from disclosing criminal history record information
 13-40 obtained under Subsection (b)(2) in a criminal proceeding or in a
 13-41 hearing conducted by the State Board of Veterinary Medical
 13-42 Examiners.

13-43 (e) The State Board of Veterinary Medical Examiners shall
 13-44 destroy criminal history record information that is obtained under
 13-45 this section after the information is used for its authorized
 13-46 purpose.

13-47 SECTION 21. Section 411.105, Government Code, is amended to
 13-48 read as follows:

13-49 Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD
 13-50 INFORMATION: TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. (a) The
 13-51 Texas State Board of Public Accountancy is entitled to obtain [~~from~~
 13-52 ~~the department~~] criminal history record information as provided by
 13-53 Subsection (b) [maintained by the department] that relates to [~~a~~
 13-54 ~~person who is~~]:

13-55 (1) an applicant for a license or certification as a
 13-56 certified public accountant under Chapter 901, Occupations Code;
 13-57 [or]

13-58 (2) an applicant to take the uniform certified public
 13-59 accountant [CPA] examination under Chapter 901, Occupations Code;

13-60 (3) an applicant for reinstatement of a license or
 13-61 certificate under Chapter 901, Occupations Code;

13-62 (4) an applicant for a license or certification
 13-63 renewal under Chapter 901, Occupations Code; or

13-64 (5) an owner or an individual who seeks to become an
 13-65 owner of a certified public accountancy firm if the owner or
 13-66 prospective owner is not a license holder under Chapter 901,
 13-67 Occupations Code [that Act].

13-68 (b) Subject to Section 411.087 of this code and Section
 13-69 901.169, Occupations Code, and consistent with the public policy of

14-1 this state, the Texas State Board of Public Accountancy is entitled
 14-2 to:

14-3 (1) obtain through the Federal Bureau of Investigation
 14-4 criminal history record information maintained or indexed by that
 14-5 bureau that pertains to a person described by Subsection (a); and

14-6 (2) obtain from the department or any other criminal
 14-7 justice agency in this state criminal history record information
 14-8 maintained by the department or that criminal justice agency that
 14-9 relates to a person described by Subsection (a).

14-10 (c) The Texas State Board of Public Accountancy may not
 14-11 release or disclose to any person criminal history record
 14-12 information obtained from the Federal Bureau of Investigation under
 14-13 Subsection (b)(1). Criminal history record information obtained by
 14-14 the board under Subsection (b)(2) may not be released or disclosed
 14-15 to any person except on court order, with the written consent of the
 14-16 person who is the subject of the criminal history record
 14-17 information, or as provided by Subsection (d).

14-18 (d) The board is not prohibited from disclosing criminal
 14-19 history record information obtained under Subsection (b)(2) in a
 14-20 criminal proceeding or in a hearing conducted by or on behalf of the
 14-21 board.

14-22 (e) The board shall destroy criminal history record
 14-23 information that is obtained under this section after the
 14-24 information is used for its authorized purpose.

14-25 SECTION 22. Section 411.106, Government Code, is amended to
 14-26 read as follows:

14-27 Sec. 411.106. ACCESS TO CRIMINAL HISTORY RECORD
 14-28 INFORMATION: TEXAS DEPARTMENT OF INSURANCE. (a) The Texas
 14-29 Department of Insurance [~~for good cause shown~~] is entitled to
 14-30 obtain [~~from the department~~] criminal history record information as
 14-31 provided by Subsection (a-1) [~~maintained by the department~~] that
 14-32 relates to a person who is:

14-33 (1) an applicant for a license, permit, certificate of
 14-34 authority, certificate of registration, or other authorization
 14-35 issued by the Texas Department [~~State Board~~] of Insurance to engage
 14-36 in an activity regulated under the Insurance Code; or

14-37 (2) a corporate officer or director of an insurance
 14-38 company regulated by the Texas Department of Insurance.

14-39 (a-1) Subject to Section 411.087 and consistent with the
 14-40 public policy of this state, the Texas Department of Insurance is
 14-41 entitled to:

14-42 (1) obtain through the Federal Bureau of Investigation
 14-43 criminal history record information maintained or indexed by that
 14-44 bureau that pertains to a person described by Subsection (a); and

14-45 (2) obtain from the department or any other criminal
 14-46 justice agency in this state criminal history record information
 14-47 maintained by the department or that criminal justice agency that
 14-48 relates to a person described by Subsection (a).

14-49 (b) The Texas Department of Insurance may not release or
 14-50 disclose to any person criminal history record information obtained
 14-51 from the Federal Bureau of Investigation under Subsection (a-1)(1).
 14-52 Criminal history record information obtained by the Texas
 14-53 Department of Insurance under Subsection (a-1)(2) [~~(a)~~] may not be
 14-54 disclosed or released to any person except on court order, [~~or~~] with
 14-55 the written consent of the person who is the subject of the criminal
 14-56 history record information, or as provided by Subsection (b-1).

14-57 (b-1) The Texas Department of Insurance is not prohibited
 14-58 from disclosing criminal history record information obtained under
 14-59 Subsection (a-1)(2) in a criminal proceeding or in a hearing
 14-60 conducted by the Texas Department of Insurance.

14-61 (c) The [~~After the~~] Texas Department of Insurance [~~makes a~~
 14-62 determination as to the issuance of a license or certificate of
 14-63 authority to an applicant, the Texas Department of Insurance] shall
 14-64 destroy [~~seal the~~] criminal history record information that is
 14-65 obtained under this section after the information is used for its
 14-66 authorized purpose [~~regarding the applicant and shall deliver the~~
 14-67 information to the commissioner of insurance or the commissioner's
 14-68 designee, who shall maintain the information as provided by State
 14-69 Board of Insurance rule].

15-1 SECTION 23. Section 411.107, Government Code, is amended to
15-2 read as follows:

15-3 Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD
15-4 INFORMATION: RECEIVER. (a) In this section, "receiver" has the
15-5 meaning assigned by Section 443.004 [~~Article 21.28~~], Insurance
15-6 Code.

15-7 (b) A receiver is entitled to obtain [~~from the department~~]
15-8 criminal history record information as provided by Subsection (b-1)
15-9 [~~maintained by the department~~] that relates to a person:

15-10 (1) who is a creditor or claimant of the receivership
15-11 estate; or

15-12 (2) against whom the receivership estate has a claim
15-13 [~~the receiver believes is necessary for the investigation of any~~
15-14 ~~matter relating to a receivership estate~~].

15-15 (b-1) A receiver is entitled to obtain from the department
15-16 or any other criminal justice agency in this state criminal history
15-17 record information maintained by the department or that criminal
15-18 justice agency that relates to a person described by Subsection
15-19 (b).

15-20 (c) Criminal history record information obtained by a
15-21 receiver under Subsection (b-1) [~~(b)~~] may not be released or
15-22 disclosed to any person except on court order or with the written
15-23 consent of the person who is the subject of the criminal history
15-24 record information.

15-25 (d) A receiver shall [~~may~~] destroy criminal history record
15-26 information obtained by the receiver under this section [~~Subsection~~
15-27 ~~(b)~~] after the purpose for which the information was obtained is
15-28 accomplished.

15-29 SECTION 24. Section 411.108, Government Code, is amended to
15-30 read as follows:

15-31 Sec. 411.108. ACCESS TO CRIMINAL HISTORY RECORD
15-32 INFORMATION: TEXAS LOTTERY COMMISSION. (a) The Texas Lottery
15-33 Commission is entitled to obtain [~~from the department~~] criminal
15-34 history record information as provided by Subsection (a-2)
15-35 [~~maintained by the department~~] that relates to a person who, under
15-36 Section 466.201 [~~under Chapter 466~~], is:

15-37 (1) a sales agent or an applicant for a sales agent
15-38 license;

15-39 (2) a person required to be named in a license
15-40 application;

15-41 (3) a lottery operator or prospective lottery operator
15-42 who has submitted a written proposal to the commission in
15-43 connection with the procurement of lottery operations and services
15-44 by the commission;

15-45 (4) an employee of a lottery operator or prospective
15-46 lottery operator, if the employee is or will be directly involved in
15-47 lottery operations;

15-48 (5) a person who manufactures or distributes lottery
15-49 equipment or supplies or a representative of a person who
15-50 manufactures or distributes lottery equipment or supplies offered
15-51 to the lottery;

15-52 (6) a person who has submitted a written bid or
15-53 proposal to the commission in connection with the procurement of
15-54 goods or services by the commission, if the amount of the bid or
15-55 proposal exceeds \$500;

15-56 (7) an employee or other person who works for or will
15-57 work for a sales agent or an applicant for a sales agent license;

15-58 (8) a person who proposes to enter into or who has a
15-59 contract with the commission to supply goods or services to the
15-60 commission;

15-61 (9) if a person described in Subdivisions (1) through
15-62 (8) of this section is not an individual, an individual who:

15-63 (A) is an officer or director of the person;

15-64 (B) holds more than 10 percent of the stock in the
15-65 person;

15-66 (C) holds an equitable interest greater than 10
15-67 percent in the person;

15-68 (D) is a creditor of the person who holds more
15-69 than 10 percent of the person's outstanding debt;

16-1 (E) is the owner or lessee of a business that the
16-2 person conducts or through which the person will conduct
16-3 lottery-related activities;

16-4 (F) shares or will share in the profits, other
16-5 than stock dividends, of the person;

16-6 (G) participates in managing the affairs of the
16-7 person; or

16-8 (H) is an employee of the person who is or will be
16-9 involved in:

16-10 (i) selling tickets; or
16-11 (ii) handling money from the sale of

16-12 tickets;
16-13 (10) the executive director or a prospective executive

16-14 director of the commission;
16-15 (11) an employee or prospective employee of the

16-16 commission; or
16-17 (12) a sales agent whose license is renewed under

16-18 Section 466.158.
16-19 (a-1) The Texas Lottery Commission is entitled to obtain

16-20 ~~[from the department]~~ criminal history record information as
16-21 provided by Subsection (a-2) ~~[maintained by the department]~~ that

16-22 relates to a person licensed under Chapter 2001, Occupations Code,
16-23 or described by Section 2001.3025, Occupations Code.

16-24 (a-2) Subject to Sections 411.087, 466.201, and 467.036(b)
16-25 of this code and Section 2001.3025, Occupations Code, and

16-26 consistent with the public policy of this state, the Texas Lottery
16-27 Commission is entitled to:

16-28 (1) obtain through the Federal Bureau of Investigation
16-29 criminal history record information maintained or indexed by that

16-30 bureau that pertains to a person described by Subsection (a) or
16-31 (a-1); and

16-32 (2) obtain from the department or any other criminal
16-33 justice agency in this state criminal history record information

16-34 maintained by the department or that criminal justice agency that
16-35 relates to a person described by Subsection (a) or (a-1).

16-36 (b) The Texas Lottery Commission may not release or disclose
16-37 to any person criminal history record information obtained from the

16-38 Federal Bureau of Investigation under Subsection (a-2)(1).
16-39 Criminal history record information obtained by the commission

16-40 under Subsection (a-2)(2) ~~[(a) or (a-1)]~~ may not be released or
16-41 disclosed to any person except on court order, with the written

16-42 consent of the person who is the subject of the criminal history
16-43 record information, or as provided by Subsection (c) or (d).

16-44 (c) The Texas Lottery Commission ~~[commission]~~ is not
16-45 prohibited from disclosing to the person who is the subject of the

16-46 criminal history record information obtained under Subsection
16-47 (a-2)(2) the dates and places of arrests, offenses, and

16-48 dispositions contained in the ~~[criminal history record]~~
16-49 information.

16-50 (d) The Texas Lottery Commission is not prohibited from
16-51 disclosing criminal history record information obtained under

16-52 Subsection (a-2)(2) in a criminal proceeding or in a hearing
16-53 conducted by the State Office of Administrative Hearings.

16-54 (e) The Texas Lottery Commission shall destroy criminal
16-55 history record information that is obtained under this section

16-56 after the information is used for its authorized purpose.

16-57 SECTION 25. Section 411.109, Government Code, is amended by
16-58 amending Subsections (a), (b), and (d) and adding Subsections (c),

16-59 (f), and (g) to read as follows:
16-60 (a) The comptroller is entitled to obtain ~~[from the~~

16-61 ~~department]~~ criminal history record information as provided by
16-62 Subsection (c) ~~[maintained by the department]~~ that the comptroller

16-63 believes is necessary for the enforcement or administration of
16-64 Chapter 103, Civil Practice and Remedies Code, or Chapter 151, 152,

16-65 154, 155, or 162, Tax Code, including criminal history record
16-66 information that relates to a person who is:

16-67 (1) an applicant for a permit under any of those
16-68 chapters;

16-69 (2) a permit holder under any of those chapters;

17-1 (3) an officer, director, stockholder owning 10
 17-2 percent or more of the outstanding stock, partner, owner, or
 17-3 managing employee of an applicant or permit holder under any of
 17-4 those chapters that is a corporation, association, joint venture,
 17-5 syndicate, partnership, or proprietorship;

17-6 (4) believed to have violated any of those chapters;

17-7 (5) being considered by the comptroller for employment
 17-8 as a peace officer; or

17-9 (6) receiving, scheduled to receive, or applying to
 17-10 receive compensation under Chapter 103, Civil Practice and Remedies
 17-11 Code.

17-12 (b) The comptroller is entitled to obtain ~~[from the~~
 17-13 ~~department]~~ criminal history record information as provided by
 17-14 Subsection (c) [maintained by the department] that relates to a
 17-15 person who is an employee, intern, learner, trainee, contractor,
 17-16 subcontractor, apprentice, or volunteer of, or who is an applicant
 17-17 for employment or service in one of those capacities with, the
 17-18 comptroller's office in a position that involves:

17-19 (1) handling currency, checks, or other funds;

17-20 (2) having access to taxpayer account information;

17-21 (3) working in a location designated by the
 17-22 comptroller as a security-sensitive area; ~~[or]~~

17-23 (4) performing financial management duties designated
 17-24 by the comptroller as security sensitive;

17-25 (5) performing work on a computer system; or

17-26 (6) having remote access to comptroller computer
 17-27 systems, information technology, or information technology
 17-28 resources.

17-29 (c) Subject to Section 411.087 and consistent with the
 17-30 public policy of this state, the comptroller is entitled to:

17-31 (1) obtain through the Federal Bureau of Investigation
 17-32 criminal history record information maintained or indexed by that
 17-33 bureau that pertains to a person described by Subsection (a) or (b);
 17-34 and

17-35 (2) obtain from the department or any other criminal
 17-36 justice agency in this state criminal history record information
 17-37 maintained by the department or that criminal justice agency that
 17-38 relates to a person described by Subsection (a) or (b).

17-39 (d) The comptroller may not release or disclose to any
 17-40 person criminal history record information obtained from the
 17-41 Federal Bureau of Investigation under Subsection (c)(1). Criminal
 17-42 history record information obtained by the comptroller under
 17-43 Subsection (c)(2) ~~[Subsections (a), (b), and (c)]~~ may not be
 17-44 released or disclosed to any person except on court order, with the
 17-45 written consent of the person who is the subject of the criminal
 17-46 history record information, or as provided by Subsection (e) or
 17-47 (f).

17-48 (f) The comptroller is not prohibited from disclosing
 17-49 criminal history record information obtained under Subsection
 17-50 (c)(2) in a criminal proceeding or in a hearing conducted by the
 17-51 comptroller.

17-52 (g) The comptroller shall destroy criminal history record
 17-53 information that is obtained under this section after the
 17-54 information is used for its authorized purpose.

17-55 SECTION 26. Section 411.110, Government Code, is amended by
 17-56 amending Subsections (a), (b), (c), and (e) and adding Subsection
 17-57 (a-1) to read as follows:

17-58 (a) The Department of State Health Services and the Health
 17-59 and Human Services Commission are entitled to obtain ~~[from the~~
 17-60 ~~department]~~ criminal history record information as provided by
 17-61 Subsection (a-1) [maintained by the department] that relates to a
 17-62 person who is:

17-63 (1) ~~[a person who is:~~

17-64 ~~[(A)]~~ an applicant for a license or certificate
 17-65 under Chapter 773, Health and Safety Code, ~~[the Emergency Health~~
 17-66 ~~Care Act (Chapter 773, Health and Safety Code),]~~

17-67 ~~[(B)]~~ an owner or manager of an applicant for an
 17-68 emergency medical services provider license under that chapter,
 17-69 ~~[Act,]~~ or

18-1 ~~[(C)]~~ the holder of a license or certificate
18-2 under that chapter ~~[Act]~~;

18-3 (2) an applicant for a license or a license holder
18-4 under Subchapter I, L, or [Subchapter] N, Chapter 431, Health and
18-5 Safety Code;

18-6 (3) an applicant for employment at or current employee
18-7 of:

18-8 (A) a public health hospital as defined by
18-9 Section 13.033, Health and Safety Code; or

18-10 (B) the South Texas Health Care System;

18-11 (4) an applicant for employment at, current employee
18-12 of, or person who contracts or may contract to provide goods or
18-13 services with the Council on Sex Offender Treatment or other
18-14 division or component of the Health and Human Services Commission
18-15 that monitors sexually violent predators as described by Section
18-16 841.003(a), Health and Safety Code; [or]

18-17 (5) ~~[a person]~~ authorized to access vital records or
18-18 the vital records electronic registration system under Chapter 191,
18-19 Health and Safety Code, including an employee of or contractor for
18-20 the Department of State Health Services, a local registrar, a
18-21 medical professional, or a funeral director; or

18-22 (6) an applicant for a license or a license holder
18-23 under Subchapter C, Chapter 443, Health and Safety Code.

18-24 (a-1) Subject to Section 411.087 and consistent with the
18-25 public policy of this state, the Department of State Health
18-26 Services and the Health and Human Services Commission are entitled
18-27 to:

18-28 (1) obtain through the Federal Bureau of Investigation
18-29 criminal history record information maintained or indexed by that
18-30 bureau that pertains to a person described by Subsection (a); and

18-31 (2) obtain from the department or any other criminal
18-32 justice agency in this state criminal history record information
18-33 maintained by the department or that criminal justice agency that
18-34 relates to a person described by Subsection (a).

18-35 (b) The Department of State Health Services or the Health
18-36 and Human Services Commission, as applicable, may not release or
18-37 disclose to any person criminal history record information obtained
18-38 from the Federal Bureau of Investigation under Subsection
18-39 (a-1)(1). Criminal history record information obtained by the
18-40 Department of State Health Services or the Health and Human
18-41 Services Commission under Subsection (a-1)(2) ~~[(a)]~~ may not be
18-42 released or disclosed to any person except:

18-43 (1) on court order;

18-44 (2) [r] with the written consent of the person who ~~[or~~
18-45 entity that] is the subject of the criminal history record
18-46 information;

18-47 (3) between the Department of State Health Services
18-48 and the Health and Human Services Commission to share with the other
18-49 agency information obtained under this section for the purposes
18-50 authorized by this section; or

18-51 (4) [r, or] as provided by Subsection (e).

18-52 (c) The ~~[After an entity is licensed or certified, the]~~
18-53 Department of State Health Services or the Health and Human
18-54 Services Commission, as applicable, shall destroy the criminal
18-55 history record information that is obtained under this section
18-56 after the information is used for its authorized purpose ~~[relates~~
18-57 to that entity. The Department of State Health Services or the
18-58 Health and Human Services Commission, as applicable, shall destroy
18-59 the criminal history record information that relates to:

18-60 [(1) an applicant for employment after that applicant
18-61 is employed or, for an applicant who is not employed, after the
18-62 check of the criminal history record information on that applicant
18-63 is completed; or

18-64 [(2) an employee or contractor after the check of the
18-65 criminal history record information on that employee or contractor
18-66 is completed].

18-67 (e) The Department of State Health Services or the Health
18-68 and Human Services Commission, as applicable, is not prohibited
18-69 from disclosing criminal history record information obtained under

19-1 Subsection (a-1)(2) [~~(a)~~] in a criminal proceeding or in a hearing
 19-2 conducted by that agency [~~the Department of State Health Services~~
 19-3 ~~or the Health and Human Services Commission, as applicable~~].

19-4 SECTION 27. Section 411.1103, Government Code, is amended
 19-5 to read as follows:

19-6 Sec. 411.1103. ACCESS TO CRIMINAL HISTORY RECORD
 19-7 INFORMATION: [~~DEPARTMENT OF STATE HEALTH SERVICES AND~~] HEALTH AND
 19-8 HUMAN SERVICES COMMISSION. (a) The [~~Department of State Health~~
 19-9 ~~Services and the~~] Health and Human Services Commission is [~~are~~]
 19-10 entitled to obtain [~~from the department~~] criminal history record
 19-11 information as provided by Subsection (d) [~~maintained by the~~
 19-12 ~~department~~] that relates to a person:

19-13 (1) who is:

19-14 (A) an applicant for employment at a state
 19-15 hospital established under Chapter 552, Health and Safety Code;

19-16 (B) an employee of a state hospital established
 19-17 under Chapter 552, Health and Safety Code;

19-18 (C) a person who contracts or may contract to
 19-19 provide goods or services to the [~~Department of State Health~~
 19-20 ~~Services or the~~] Health and Human Services Commission, as
 19-21 applicable, at a state hospital established under Chapter 552,
 19-22 Health and Safety Code, or an employee of or applicant for
 19-23 employment with that person;

19-24 (D) a volunteer with a state hospital established
 19-25 under Chapter 552, Health and Safety Code; or

19-26 (E) an applicant for a volunteer position with a
 19-27 state hospital established under Chapter 552, Health and Safety
 19-28 Code; and

19-29 (2) who would be placed in direct contact with a
 19-30 patient at a state hospital established under Chapter 552, Health
 19-31 and Safety Code.

19-32 (b) The Health and Human Services Commission may not release
 19-33 or disclose to any person criminal history record information
 19-34 obtained from the Federal Bureau of Investigation under Subsection
 19-35 (d)(1). Criminal history record information obtained by the
 19-36 [~~Department of State Health Services or the~~] Health and Human
 19-37 Services Commission under Subsection (d)(2) [~~this section~~] may not
 19-38 be released or disclosed to any person except:

19-39 (1) on court order;

19-40 (2) with the consent of the person who is the subject
 19-41 of the criminal history record information;

19-42 (3) for purposes of an administrative hearing held by
 19-43 the [~~Department of State Health Services or the~~] Health and Human
 19-44 Services Commission [~~, as applicable,~~] concerning the person who is
 19-45 the subject of the criminal history record information; or

19-46 (4) as provided by Subsection (c).

19-47 (c) The [~~Department of State Health Services or the~~] Health
 19-48 and Human Services Commission is not prohibited from releasing
 19-49 criminal history record information obtained under Subsection
 19-50 (d)(2) [~~this section~~] to the person who is the subject of the
 19-51 criminal history record information.

19-52 (d) Subject to Section 411.087 and consistent with the
 19-53 public policy of this state, the [~~Department of State Health~~
 19-54 ~~Services and the~~] Health and Human Services Commission is [~~are~~]
 19-55 entitled to:

19-56 (1) obtain through the Federal Bureau of Investigation
 19-57 criminal history record information maintained or indexed by that
 19-58 bureau that pertains to a person described by Subsection (a); and

19-59 (2) obtain from the department or any other criminal
 19-60 justice agency in this state criminal history record information
 19-61 maintained by the department or that criminal justice agency that
 19-62 relates to a person described by Subsection (a).

19-63 (e) This section does not prohibit the [~~Department of State~~
 19-64 ~~Health Services or the~~] Health and Human Services Commission from
 19-65 obtaining and using criminal history record information as provided
 19-66 by other law.

19-67 (f) The Health and Human Services Commission shall destroy
 19-68 criminal history record information that is obtained under this
 19-69 section after the information is used for its authorized purpose.

SECTION 28. Section 411.1105, Government Code, is amended to read as follows:

Sec. 411.1105. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: ~~[DEPARTMENT OF STATE HEALTH SERVICES AND]~~ HEALTH AND HUMAN SERVICES COMMISSION. (a) The ~~[Department of State Health Services and the]~~ Health and Human Services Commission is ~~[are]~~ entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsections (a-1) and (b) [maintained by the department] that relates to a person who is:

(1) an applicant for a chemical dependency counselor's license, a counselor intern's registration, or a clinical supervisor certification under Chapter 504, Occupations Code; or

(2) the holder of a license, registration, or certification under that chapter.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) In addition to information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1) and Section 411.087, the ~~[Department of State Health Services and the]~~ Health and Human Services Commission is ~~[are]~~ entitled to obtain information relating to the wanted persons status of an individual listed in Subsection (a).

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1) or (b). Criminal history record information obtained by the [Department of State Health Services or the] Health and Human Services Commission under Subsection (a-1)(2) [(a)] may not be released or disclosed to any person except:

(1) on court order;
(2) [✓] with the consent of the person who is the subject of the criminal history record information; [✓] or

(3) as provided by Subsection (d).

(d) ~~The [Department of State Health Services or the] Health and Human Services Commission[✓, as applicable,] may provide the applicant or licensee with a copy of the person's criminal history record information obtained from the Department of Public Safety [✓ Federal Bureau of Investigation identification division,] or another law enforcement agency under Subsection (a-1)(2).~~

(e) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

(f) The Health and Human Services Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

SECTION 29. Section 411.1106, Government Code, is amended by amending Subsections (b), (c), (d), and (e) and adding Subsections (b-1) and (f) to read as follows:

(b) The executive commissioner of the commission, or the executive commissioner's designee, is entitled to obtain ~~[from the department]~~ criminal history record information as provided by Subsection (b-1) [maintained by the department] that relates to a person who is:

(1) an applicant ~~[for employment]~~ for a position in which the person, as an employee, contractor, or volunteer, would have access to sensitive personal or financial information, as determined by the executive commissioner, in:

(A) the eligibility services division of the commission as established under Section 531.008; [or]

(B) the commission's office of inspector general as established by Section 531.008 and Subchapter C, Chapter 531; or

21-1 (C) the regulatory division of the commission as
21-2 established under Section 531.008; or
21-3 (2) an employee of or a contractor or volunteer for the
21-4 commission who has access to sensitive personal or financial
21-5 information, as determined by the executive commissioner.
21-6 (b-1) Subject to Section 411.087 and consistent with the
21-7 public policy of this state, the commission is entitled to:
21-8 (1) obtain through the Federal Bureau of Investigation
21-9 criminal history record information maintained or indexed by that
21-10 bureau that pertains to a person described by Subsection (b); and
21-11 (2) obtain from the department or any other criminal
21-12 justice agency in this state criminal history record information
21-13 maintained by the department or that criminal justice agency that
21-14 relates to a person described by Subsection (b).
21-15 (c) The commission may not release or disclose to any person
21-16 criminal history record information obtained from the Federal
21-17 Bureau of Investigation under Subsection (b-1)(1). Criminal
21-18 history record information obtained by the executive commissioner
21-19 of the commission, or by the executive commissioner's designee,
21-20 under Subsection (b-1)(2) [~~(b)~~] may not be released or disclosed,
21-21 except:
21-22 (1) if the information is in a public record at the
21-23 time the information is obtained;
21-24 (2) on court order;
21-25 (3) to a criminal justice agency, upon request;
21-26 (4) with the consent of the person who is the subject
21-27 of the criminal history record information; or
21-28 (5) as provided by Subsection (d).
21-29 (d) The commission is not prohibited from disclosing
21-30 criminal history record information obtained under Subsection
21-31 (b-1)(2) [~~(b)~~] in a criminal proceeding or in a hearing conducted by
21-32 the commission.
21-33 (e) The executive commissioner shall destroy [~~all~~] criminal
21-34 history record information obtained under this section [~~Subsection~~
21-35 ~~(b)~~] as soon as practicable after the information is used for its
21-36 authorized purpose.
21-37 (f) This section does not prohibit the commission from
21-38 obtaining and using criminal history record information as provided
21-39 by other law.
21-40 SECTION 30. Section 411.1131, Government Code, is amended
21-41 to read as follows:
21-42 Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD
21-43 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health
21-44 and Human Services Commission is entitled to obtain [~~from the~~
21-45 ~~department~~] criminal history record information as provided by
21-46 Subsection (a-1) [~~maintained by the department~~] that relates to a
21-47 person who is an applicant for a staff position at an outdoor
21-48 training program for children who are deaf or hard of hearing
21-49 conducted by a private entity through a contract with the Health and
21-50 Human Services Commission in accordance with Section 81.013, Human
21-51 Resources Code.
21-52 (a-1) Subject to Section 411.087 and consistent with the
21-53 public policy of this state, the Health and Human Services
21-54 Commission is entitled to:
21-55 (1) obtain through the Federal Bureau of Investigation
21-56 criminal history record information maintained or indexed by that
21-57 bureau that pertains to a person described by Subsection (a); and
21-58 (2) obtain from the department or any other criminal
21-59 justice agency in this state criminal history record information
21-60 maintained by the department or that criminal justice agency that
21-61 relates to a person described by Subsection (a).
21-62 (b) Criminal history record information obtained by the
21-63 Health and Human Services Commission under Subsection (a-1) [~~(a)~~]
21-64 may be used only to evaluate an applicant for a staff position at an
21-65 outdoor training program for children who are deaf or hard of
21-66 hearing. The Health and Human Services Commission may release or
21-67 disclose the information obtained under Subsection (a-1)(2) to a
21-68 private entity described by Subsection (a) for that purpose.
21-69 (c) The Health and Human Services Commission may not release

22-1 or disclose to any person criminal history record information
 22-2 obtained from the Federal Bureau of Investigation under Subsection
 22-3 (a-1)(1). The Health and Human Services Commission may not release
 22-4 or disclose information obtained under Subsection (a-1)(2) [~~(a)~~],
 22-5 except as described by Subsection (b), on court order, or with the
 22-6 consent of the person who is the subject of the criminal history
 22-7 record information.

22-8 (d) The Health and Human Services Commission~~[, and]~~ shall
 22-9 destroy ~~[all]~~ criminal history record information obtained under
 22-10 Subsection (a-1) [~~(a)~~] after the information is used for its
 22-11 authorized purpose.

22-12 (e) This section does not prohibit the Health and Human
 22-13 Services Commission from obtaining and using criminal history
 22-14 record information as provided by other law.

22-15 SECTION 31. Section 411.114(a), Government Code, is amended
 22-16 by amending Subdivisions (2), (3), (4), (6), and (7) and adding
 22-17 Subdivision (4-a) to read as follows:

22-18 (2) The Department of Family and Protective Services
 22-19 or the Health and Human Services Commission, as applicable, shall
 22-20 obtain ~~[from the department]~~ criminal history record information as
 22-21 provided by Subdivision (4) [~~maintained by the department~~] that
 22-22 relates to a person who is:

22-23 (A) an applicant for a license, registration,
 22-24 certification, or listing under Chapter 42, Human Resources Code;

22-25 (B) an owner, operator, or employee of or an
 22-26 applicant for employment by a child-care facility, child-placing
 22-27 agency, or family home licensed, registered, certified, or listed
 22-28 under Chapter 42, Human Resources Code;

22-29 (C) a person 14 years of age or older who will be
 22-30 regularly or frequently working or staying in a facility or family
 22-31 home, other than a child in the care of the home or facility;

22-32 (D) an applicant selected for a position with the
 22-33 Department of Family and Protective Services or the Health and
 22-34 Human Services Commission, the duties of which include direct
 22-35 delivery of protective services to children, elderly persons, or
 22-36 persons with a disability;

22-37 (E) an employee of, an applicant for employment
 22-38 with, or a volunteer or an applicant volunteer with a business
 22-39 entity or person who ~~[that]~~ contracts with the Department of Family
 22-40 and Protective Services or the Health and Human Services Commission
 22-41 to provide direct delivery of protective services to children,
 22-42 elderly persons, or persons with a disability, if the person's
 22-43 duties or responsibilities include direct contact with children,
 22-44 elderly persons, or persons with a disability;

22-45 (F) a registered volunteer with the Department of
 22-46 Family and Protective Services or the Health and Human Services
 22-47 Commission;

22-48 (G) a person providing or applying to provide
 22-49 in-home, adoptive, or foster care for children in the care of the
 22-50 Department of Family and Protective Services or the Health and
 22-51 Human Services Commission and other persons living in the residence
 22-52 in which the child will reside;

22-53 (H) a Department of Family and Protective
 22-54 Services employee or a Health and Human Services Commission
 22-55 employee who is engaged in the direct delivery of protective
 22-56 services to children, elderly persons, or persons with a
 22-57 disability;

22-58 (I) an alleged perpetrator in a report the
 22-59 Department of Family and Protective Services or the Health and
 22-60 Human Services Commission receives alleging that the person has
 22-61 abused, neglected, or exploited a child, an elderly person, or a
 22-62 person with a disability, provided that:

22-63 (i) the report alleges the person has
 22-64 engaged in conduct that meets the applicable definition of abuse,
 22-65 neglect, or exploitation under Chapter 261, Family Code, or Chapter
 22-66 48, Human Resources Code; and

22-67 (ii) the person is not also the victim of
 22-68 the alleged conduct;

22-69 (J) a person providing child care for a child who

23-1 is in the care of the Department of Family and Protective Services
 23-2 or the Health and Human Services Commission and who is or will be
 23-3 receiving adoptive, foster, or in-home care;
 23-4 (K) through a contract with a nonprofit
 23-5 management center, an employee of, an applicant for employment
 23-6 with, or a volunteer or an applicant volunteer with a nonprofit,
 23-7 tax-exempt organization that provides any service that involves the
 23-8 care of or access to a child, an elderly person, or a person with a
 23-9 disability; or
 23-10 (L) an applicant for a child-care administrator
 23-11 or child-placing agency administrator license under Chapter 43,
 23-12 Human Resources Code.
 23-13 (3) In addition to the criminal history record
 23-14 information the Department of Family and Protective Services or the
 23-15 Health and Human Services Commission is required to obtain under
 23-16 Subdivision (2), the Department of Family and Protective Services
 23-17 or the Health and Human Services Commission, as applicable, is
 23-18 entitled to obtain [from the department] criminal history record
 23-19 information as provided by Subdivision (4) ~~[maintained by the~~
 23-20 ~~department]~~ that relates to a person who is:
 23-21 (A) an applicant for a position with the
 23-22 Department of Family and Protective Services or the Health and
 23-23 Human Services Commission regardless of the duties of the position,
 23-24 including a position described by Subdivision (2)(D);
 23-25 (B) a Department of Family and Protective
 23-26 Services employee or a Health and Human Services Commission
 23-27 employee regardless of the duties of the employee's position,
 23-28 including an employee described by Subdivision (2)(H);
 23-29 (C) a volunteer or applicant volunteer with the
 23-30 Department of Family and Protective Services or the Health and
 23-31 Human Services Commission regardless of the duties to be performed,
 23-32 including a registered volunteer;
 23-33 (D) an employee of, an applicant for employment
 23-34 with, or a volunteer or an applicant volunteer with an entity or
 23-35 person who [that] contracts with the Department of Family and
 23-36 Protective Services or the Health and Human Services Commission, as
 23-37 applicable, and has access to confidential information in that
 23-38 department's or commission's records, if the employee, applicant,
 23-39 volunteer, or applicant volunteer has or will have access to that
 23-40 confidential information;
 23-41 (E) a person living in the residence in which the
 23-42 alleged victim of the report resides, including an alleged
 23-43 perpetrator in a report described by Subdivision (2)(I);
 23-44 (F) a person providing, at the request of the
 23-45 child's parent, in-home care for a child who is the subject of a
 23-46 report alleging the child has been abused or neglected;
 23-47 (G) a person providing, at the request of the
 23-48 child's parent, in-home care for a child only if the person gives
 23-49 written consent to the release and disclosure of the information;
 23-50 (H) a child who is related to the caretaker, as
 23-51 determined under Section 42.002, Human Resources Code, or any other
 23-52 person who resides in, is present in, or has unsupervised access to
 23-53 a child in the care of a facility or family home;
 23-54 (I) a relative of a child in the care of the
 23-55 Department of Family and Protective Services or the Health and
 23-56 Human Services Commission, as applicable, to the extent necessary
 23-57 to comply with Section 162.007, Family Code;
 23-58 (J) a person providing or applying to provide
 23-59 in-home, adoptive, or foster care for children to the extent
 23-60 necessary to comply with Subchapter B, Chapter 162, Family Code;
 23-61 (K) a person who volunteers to supervise
 23-62 visitation under Subchapter B, Chapter 263, Family Code;
 23-63 (L) an employee of or volunteer at, or an
 23-64 applicant for employment with or to be a volunteer at, an entity
 23-65 that provides supervised independent living services to a young
 23-66 adult receiving extended foster care services from the Department
 23-67 of Family and Protective Services or the Health and Human Services
 23-68 Commission, as applicable;
 23-69 (M) a person 14 years of age or older who will be

24-1 regularly or frequently working or staying in a host home that is
 24-2 providing supervised independent living services to a young adult
 24-3 receiving extended foster care services from the Department of
 24-4 Family and Protective Services or the Health and Human Services
 24-5 Commission, as applicable;

24-6 (N) a volunteer or applicant volunteer with a
 24-7 local affiliate in this state of Big Brothers Big Sisters of
 24-8 America;

24-9 (O) a volunteer or applicant volunteer with an
 24-10 organization that provides court-appointed volunteer advocates for
 24-11 abused or neglected children; or

24-12 (P) an employee, volunteer, or applicant
 24-13 volunteer of a children's advocacy center under Subchapter E,
 24-14 Chapter 264, Family Code, including a member of the governing board
 24-15 of a center.

24-16 (4) Subject to Section 411.087 and consistent with the
 24-17 public policy of this state, the Department of Family and
 24-18 Protective Services and the Health and Human Services Commission
 24-19 are entitled to:

24-20 (A) obtain through the Federal Bureau of
 24-21 Investigation criminal history record information maintained or
 24-22 indexed by that bureau that pertains to a person described by
 24-23 Subdivision (2) or (3); and

24-24 (B) obtain from the department or any other
 24-25 criminal justice agency in this state criminal history record
 24-26 information maintained by the department or that criminal justice
 24-27 agency that relates to a person described by Subdivision (2) or (3).

24-28 (4-a) Law enforcement entities shall expedite the
 24-29 furnishing of criminal history record ~~[such]~~ information obtained
 24-30 under Subdivision (4)(B) to Department of Family and Protective
 24-31 Services workers or Health and Human Services Commission workers,
 24-32 as applicable, to ensure prompt criminal background checks for the
 24-33 safety of alleged victims and Department of Family and Protective
 24-34 Services workers or Health and Human Services Commission workers,
 24-35 as applicable.

24-36 (6) The Department of Family and Protective Services
 24-37 or the Health and Human Services Commission, as applicable, may not
 24-38 release or disclose to any person criminal history record
 24-39 information obtained from the Federal Bureau of Investigation under
 24-40 Subdivision (4)(A). Criminal history record information obtained
 24-41 by the Department of Family and Protective Services or the Health
 24-42 and Human Services Commission under Subdivision (4)(B) ~~[this~~
 24-43 ~~subsection]~~ may not be released to any person except:

24-44 (A) on court order;

24-45 (B) with the consent of the person who is the
 24-46 subject of the criminal history record information;

24-47 (C) for purposes of an administrative hearing
 24-48 held by the Department of Family and Protective Services or the
 24-49 Health and Human Services Commission, as applicable, concerning the
 24-50 person who is the subject of the criminal history record
 24-51 information; or

24-52 (D) as provided by Subdivision (7).

24-53 (7) Subject to Subdivision (8), the Department of
 24-54 Family and Protective Services or the Health and Human Services
 24-55 Commission, as applicable, is not prohibited from releasing
 24-56 criminal history record information obtained under Subdivision
 24-57 (4)(B) ~~[this subsection]~~ to:

24-58 (A) the person who is the subject of the criminal
 24-59 history record information;

24-60 (B) a child-placing agency listed in Subdivision
 24-61 (2) that is seeking to verify or approve a foster or adoptive home
 24-62 under procedures authorized by federal law;

24-63 (C) an adult who resides with an alleged victim
 24-64 of abuse, neglect, or exploitation of a child, elderly person, or
 24-65 person with a disability and who also resides with the alleged
 24-66 perpetrator of that abuse, neglect, or exploitation if:

24-67 (i) the alleged perpetrator is the subject
 24-68 of the criminal history record information; and

24-69 (ii) the Department of Family and

25-1 Protective Services or the Health and Human Services Commission, as
 25-2 applicable, determines that the release of information to the adult
 25-3 is necessary to ensure the safety or welfare of the alleged victim
 25-4 or the adult; or

25-5 (D) an elderly person or a person with a
 25-6 disability who is an alleged victim of abuse, neglect, or
 25-7 exploitation and who resides with the alleged perpetrator of that
 25-8 abuse, neglect, or exploitation if:

25-9 (i) the alleged perpetrator is the subject
 25-10 of the criminal history record information; and

25-11 (ii) the Department of Family and
 25-12 Protective Services or the Health and Human Services Commission, as
 25-13 applicable, determines that the release of information to the
 25-14 person is necessary to ensure the safety or welfare of the person.

25-15 SECTION 32. Section 411.114, Government Code, is amended by
 25-16 adding Subsection (d) to read as follows:

25-17 (d) The Department of Family and Protective Services and the
 25-18 Health and Human Services Commission, as applicable, shall destroy
 25-19 criminal history record information that is obtained under this
 25-20 section after the information is used for its authorized purpose.

25-21 SECTION 33. Section 411.1142, Government Code, is amended
 25-22 by amending Subsections (a), (b), and (d) and adding Subsections
 25-23 (a-1) and (f) to read as follows:

25-24 (a) The Early Childhood Intervention program within the
 25-25 Health and Human Services Commission, as established by Chapter 73,
 25-26 Human Resources Code, is entitled to obtain criminal history record
 25-27 information as provided by Subsection (a-1) [maintained by the
 25-28 Department of Public Safety, the Federal Bureau of Investigation
 25-29 identification division, or another law enforcement agency] that
 25-30 relates to a person:

25-31 (1) who is an employee or an applicant for permanent,
 25-32 temporary, or consultative employment or for a volunteer position;
 25-33 and

25-34 (2) [positions] whose employment or potential
 25-35 employment or volunteer position with the program or a local
 25-36 provider involves the delivery of early childhood intervention
 25-37 services or involves direct interactions with or the opportunity to
 25-38 interact and associate with children.

25-39 (a-1) Subject to Section 411.087 and consistent with the
 25-40 public policy of this state, the Health and Human Services
 25-41 Commission is entitled to:

25-42 (1) obtain through the Federal Bureau of Investigation
 25-43 criminal history record information maintained or indexed by that
 25-44 bureau that pertains to a person who is described by Subsection (a);
 25-45 and

25-46 (2) obtain from the department or any other criminal
 25-47 justice agency in this state criminal history record information
 25-48 maintained by the department or that criminal justice agency that
 25-49 relates to a person described by Subsection (a).

25-50 (b) The Health and Human Services Commission may not release
 25-51 or disclose to any person criminal history record information
 25-52 obtained from the Federal Bureau of Investigation under Subsection
 25-53 (a-1)(1). Criminal history record information obtained by the
 25-54 Health and Human Services Commission under Subsection (a-1)(2)
 25-55 [~~(a)~~] may not be released or disclosed to any person except:

25-56 (1) on court order;

25-57 (2) [~~r~~] with the consent of the person who is the
 25-58 subject of the criminal history record information; [~~r~~] or

25-59 (3) as provided by Subsection (d).

25-60 (d) The Health and Human Services Commission may provide the
 25-61 applicant, employee, professional consultant, or volunteer with a
 25-62 copy of the person's criminal history record information obtained
 25-63 from the Department of Public Safety [~~, Federal Bureau of~~
 25-64 Investigation identification division,] or another law enforcement
 25-65 agency under Subsection (a-1)(2).

25-66 (f) The Health and Human Services Commission shall destroy
 25-67 criminal history record information that is obtained under this
 25-68 section after the information is used for its authorized purpose.

25-69 SECTION 34. Section 411.1143, Government Code, is amended

26-1 to read as follows:

26-2 Sec. 411.1143. ACCESS TO CRIMINAL HISTORY RECORD
 26-3 INFORMATION; AGENCIES OPERATING PART OF MEDICAL ASSISTANCE
 26-4 PROGRAM. (a) The Health and Human Services Commission, an agency
 26-5 operating part of the medical assistance program under Chapter 32,
 26-6 Human Resources Code, or the office of inspector general
 26-7 established under Chapter 531, Government Code, is entitled to
 26-8 obtain ~~[from the department the]~~ criminal history record
 26-9 information as provided by Subsection (a-2) ~~[maintained by the~~
 26-10 ~~department]~~ that relates to a provider under the medical assistance
 26-11 program or a person applying to enroll as a provider under the
 26-12 medical assistance program.

26-13 (a-1) Criminal history record information the Health and
 26-14 Human Services Commission ~~[an agency]~~ or the office of inspector
 26-15 general is authorized to obtain under Subsection (a) includes
 26-16 criminal history record information relating to:

26-17 (1) a person with a direct or indirect ownership or
 26-18 control interest, as defined by 42 C.F.R. Section 455.101, in a
 26-19 provider of five percent or more; and

26-20 (2) a person whose information is required to be
 26-21 disclosed in accordance with 42 C.F.R. Part 1001.

26-22 (a-2) Subject to Section 411.087 and consistent with the
 26-23 public policy of this state, the Health and Human Services
 26-24 Commission and the office of inspector general are entitled to:

26-25 (1) obtain through the Federal Bureau of Investigation
 26-26 criminal history record information maintained or indexed by that
 26-27 bureau that pertains to a person who is described by Subsection (a)
 26-28 or (a-1); and

26-29 (2) obtain from the department or any other criminal
 26-30 justice agency in this state criminal history record information
 26-31 maintained by the department or that criminal justice agency that
 26-32 relates to a person described by Subsection (a) or (a-1).

26-33 (b) The Health and Human Services Commission or the office
 26-34 of inspector general, as applicable, may not release or disclose to
 26-35 any person criminal history record information obtained from the
 26-36 Federal Bureau of Investigation under Subsection (a-2)(1).
 26-37 Criminal history record information obtained by the Health and
 26-38 Human Services Commission or the office of inspector general
 26-39 ~~[commission or an agency]~~ under Subsection (a-2)(2) ~~[(a)]~~ may not
 26-40 be released or disclosed to any person except in a criminal
 26-41 proceeding, in an administrative proceeding, on court order, or
 26-42 with the consent of the provider or applicant.

26-43 (c) This section does not prohibit the Health and Human
 26-44 Services Commission or the office of inspector general from
 26-45 obtaining and using criminal history record information as provided
 26-46 by other law.

26-47 (d) The Health and Human Services Commission and the office
 26-48 of inspector general shall destroy criminal history record
 26-49 information obtained under this section after the information is
 26-50 used for its authorized purpose.

26-51 SECTION 35. Section 411.1144, Government Code, is amended
 26-52 to read as follows:

26-53 Sec. 411.1144. ACCESS TO CRIMINAL HISTORY RECORD
 26-54 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND ~~[AGENCIES~~
 26-55 ~~WITH]~~ EMPLOYEES, CONTRACTORS, OR VOLUNTEERS AT STATE SUPPORTED
 26-56 LIVING CENTERS. (a) The ~~[Department of State Health Services and~~
 26-57 ~~the]~~ Health and Human Services Commission is ~~[are]~~ entitled to
 26-58 obtain ~~[from the department]~~ criminal history record information as
 26-59 provided by Subsection (d) ~~[maintained by the department]~~ that
 26-60 relates to a person:

26-61 (1) who is:

26-62 (A) an applicant for employment with the Health
 26-63 and Human Services Commission ~~[agency];~~

26-64 (B) an employee of the Health and Human Services
 26-65 Commission ~~[agency];~~

26-66 (C) a volunteer with the Health and Human
 26-67 Services Commission ~~[agency];~~

26-68 (D) an applicant for a volunteer position with
 26-69 the Health and Human Services Commission ~~[agency];~~

27-1 (E) an applicant for a contract with the Health
27-2 and Human Services Commission [~~agency~~]; or

27-3 (F) a contractor of the Health and Human Services
27-4 Commission [~~agency~~]; and

27-5 (2) who would be placed in direct contact with a
27-6 resident or client of a state supported living center, as defined by
27-7 Section 555.001, Health and Safety Code.

27-8 (b) The commission may not release or disclose to any person
27-9 criminal history record information obtained from the Federal
27-10 Bureau of Investigation under Subsection (d)(1). Criminal history
27-11 record information obtained by the Health and Human Services
27-12 Commission [~~an agency~~] under Subsection (d)(2) [~~(a)~~] may not be
27-13 released or disclosed to any person except:

27-14 (1) on court order;

27-15 (2) with the consent of the person who is the subject
27-16 of the criminal history record information;

27-17 (3) for purposes of an administrative hearing held by
27-18 the agency concerning the person who is the subject of the criminal
27-19 history record information; or

27-20 (4) as provided by Subsection (c).

27-21 (c) The Health and Human Services Commission is prohibited
27-22 from releasing criminal history record information obtained under
27-23 Subsection (d)(1) to the person who is the subject of the criminal
27-24 history record information. The Health and Human Services
27-25 Commission [~~An agency~~] is not prohibited from releasing criminal
27-26 history record information obtained under Subsection (d)(2) [~~(a) or~~
27-27 ~~(d)~~] to the person who is the subject of the criminal history record
27-28 information.

27-29 (d) Subject to Section 411.087 and consistent with the
27-30 public policy of this state, the [~~Department of State Health~~
27-31 ~~Services and the~~] Health and Human Services Commission is [~~are~~]
27-32 entitled to:

27-33 (1) obtain through the Federal Bureau of Investigation
27-34 criminal history record information maintained or indexed by that
27-35 bureau that pertains to a person described by Subsection (a); and

27-36 (2) obtain from the department or any other criminal
27-37 justice agency in this state criminal history record information
27-38 maintained by the department or that criminal justice agency that
27-39 relates to a person described by Subsection (a).

27-40 (e) This section does not prohibit the Health and Human
27-41 Services Commission [~~an agency~~] from obtaining and using criminal
27-42 history record information as provided by other law.

27-43 (f) The Health and Human Services Commission shall destroy
27-44 criminal history record information obtained under this section
27-45 after the information is used for its authorized purpose.

27-46 SECTION 36. Section 411.115, Government Code, is amended by
27-47 amending Subsections (b), (d), and (e) and adding Subsections (c)
27-48 and (f) to read as follows:

27-49 (b) The Department of State Health Services, the Health and
27-50 Human Services Commission, a local mental health or intellectual
27-51 and developmental disability authority, or a community center, as
27-52 applicable, is entitled to obtain [~~from the department~~] criminal
27-53 history record information as provided by Subsection (c)
27-54 [~~maintained by the department~~] that relates to a person:

27-55 (1) who is:

27-56 (A) an applicant for employment with the
27-57 Department of State Health Services, the Health and Human Services
27-58 Commission, a local mental health or intellectual and developmental
27-59 disability authority, or a community center;

27-60 (B) an employee of the Department of State Health
27-61 Services, the Health and Human Services Commission, a local mental
27-62 health or intellectual and developmental disability authority, or a
27-63 community center;

27-64 (C) an applicant for employment with or an
27-65 employee of a business or person who [~~that~~] contracts with the
27-66 Department of State Health Services, the Health and Human Services
27-67 Commission, a local mental health or intellectual and developmental
27-68 disability authority, or a community center to provide residential
27-69 services to patients with mental illness or clients with an

28-1 intellectual or developmental disability who were furloughed or
 28-2 discharged from a Department of State Health Services facility, a
 28-3 Health and Human Services Commission facility, or a community
 28-4 center, as applicable;

28-5 (D) a volunteer with the Department of State
 28-6 Health Services, the Health and Human Services Commission, a local
 28-7 mental health or intellectual and developmental disability
 28-8 authority, or a community center; or

28-9 (E) a volunteer applicant; and
 28-10 (2) who would be placed in direct contact with
 28-11 patients with mental illness or clients with an intellectual or
 28-12 developmental disability.

28-13 (c) Subject to Section 411.087 and consistent with the
 28-14 public policy of this state, the Department of State Health
 28-15 Services, the Health and Human Services Commission, a local mental
 28-16 health or intellectual and developmental disability authority, or a
 28-17 community center, as applicable, is entitled to:

28-18 (1) obtain through the Federal Bureau of Investigation
 28-19 criminal history record information maintained or indexed by that
 28-20 bureau that pertains to a person who is described by Subsection (b);
 28-21 and

28-22 (2) obtain from the department or any other criminal
 28-23 justice agency in this state criminal history record information
 28-24 maintained by the department or that criminal justice agency that
 28-25 relates to a person described by Subsection (b).

28-26 (d) The Department of State Health Services, the Health and
 28-27 Human Services Commission, a local mental health or intellectual
 28-28 and developmental disability authority, or a community center, as
 28-29 applicable, may not release or disclose to any person criminal
 28-30 history record information obtained from the Federal Bureau of
 28-31 Investigation under Subsection (c)(1). Criminal history record
 28-32 information obtained by the Department of State Health Services,
 28-33 the Health and Human Services Commission, a local mental health or
 28-34 intellectual and developmental disability authority, or a
 28-35 community center, as applicable, under Subsection (c)(2) [(b)] may
 28-36 not be released or disclosed to a person, other than the contractor
 28-37 that employs the person who is the subject of the criminal history
 28-38 record information, except on court order or with the consent of the
 28-39 person who is the subject of the criminal history record
 28-40 information.

28-41 (e) The Department of State Health Services, the Health and
 28-42 Human Services Commission, a local mental health or intellectual
 28-43 and developmental disability authority, or a community center, as
 28-44 applicable, shall [~~collect and~~] destroy criminal history record
 28-45 information obtained under this section after the information is
 28-46 used for its authorized purpose [~~that relates to a person~~
 28-47 ~~immediately after making an employment decision or taking a~~
 28-48 ~~personnel action relating to the person who is the subject of the~~
 28-49 ~~criminal history record information].~~

28-50 (f) This section does not prohibit the Department of State
 28-51 Health Services, the Health and Human Services Commission, a local
 28-52 mental health or intellectual and developmental disability
 28-53 authority, or a community center, as applicable, from obtaining and
 28-54 using criminal history record information as provided by other law.

28-55 SECTION 37. Subchapter F, Chapter 411, Government Code, is
 28-56 amended by adding Section 411.1161 to read as follows:

28-57 Sec. 411.1161. ACCESS TO CRIMINAL HISTORY RECORD
 28-58 INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND NURSE AIDE
 28-59 CERTIFICATION, MEDICATION AIDE PERMIT, AND NURSING FACILITY
 28-60 ADMINISTRATOR LICENSE. (a) The Health and Human Services
 28-61 Commission is entitled to obtain criminal history record
 28-62 information as provided by Subsection (b) that relates to a person
 28-63 who is an initial or renewal applicant for:

28-64 (1) a nurse aide certification with inclusion in the
 28-65 nurse aide registry established under Chapter 250, Health and
 28-66 Safety Code;

28-67 (2) a medication aide permit issued under Chapter 142,
 28-68 Health and Safety Code; or

28-69 (3) a nursing facility administrator license issued

29-1 under Chapter 242, Health and Safety Code.
 29-2 (b) Subject to Section 411.087 and consistent with the
 29-3 public policy of this state, the Health and Human Services
 29-4 Commission is entitled to:
 29-5 (1) obtain through the Federal Bureau of Investigation
 29-6 criminal history record information maintained or indexed by that
 29-7 bureau that pertains to a person described by Subsection (a); and
 29-8 (2) obtain from the department or any other criminal
 29-9 justice agency in this state criminal history record information
 29-10 maintained by the department or that criminal justice agency that
 29-11 relates to a person described by Subsection (a).
 29-12 (c) The Health and Human Services Commission may not release
 29-13 or disclose to any person criminal history record information
 29-14 obtained from the Federal Bureau of Investigation under Subsection
 29-15 (b)(1). Criminal history record information obtained by the Health
 29-16 and Human Services Commission under Subsection (b)(2) may not be
 29-17 released or disclosed to any person except:
 29-18 (1) on court order;
 29-19 (2) with the consent of the person who is the subject
 29-20 of the criminal history record information;
 29-21 (3) for purposes of an administrative hearing held by
 29-22 the Health and Human Services Commission concerning the person who
 29-23 is the subject of the criminal history record information; or
 29-24 (4) as provided by Subsection (d).
 29-25 (d) The Health and Human Services Commission is not
 29-26 prohibited from releasing criminal history record information
 29-27 obtained under Subsection (b)(2) to the person who is the subject of
 29-28 the criminal history record information.
 29-29 (e) This section does not prohibit the Health and Human
 29-30 Services Commission from obtaining and using criminal history
 29-31 record information as provided by other law.
 29-32 (f) The Health and Human Services Commission shall destroy
 29-33 criminal history record information that is obtained under this
 29-34 section after the information is used for its authorized purpose.
 29-35 SECTION 38. Section 411.122(d), Government Code, as amended
 29-36 by Chapters 684 (S.B. 2200), 768 (H.B. 1501), and 1232 (H.B. 1523),
 29-37 Acts of the 86th Legislature, Regular Session, 2019, is reenacted
 29-38 and amended to read as follows:
 29-39 (d) The following state agencies are subject to this
 29-40 section:
 29-41 (1) Texas Appraiser Licensing and Certification
 29-42 Board;
 29-43 (2) Texas Board of Architectural Examiners;
 29-44 (3) Texas Board of Chiropractic Examiners;
 29-45 (4) State Board of Dental Examiners;
 29-46 (5) Texas Board of Professional Engineers and Land
 29-47 Surveyors;
 29-48 (6) Texas Funeral Service Commission;
 29-49 (7) Texas Board of Professional Geoscientists;
 29-50 (8) Health and Human Services Commission, except as
 29-51 provided by Section 411.110, and agencies attached to the
 29-52 commission;
 29-53 (9) Texas Department of Licensing and Regulation[~~7~~
 29-54 ~~except as provided by Section 411.093~~];
 29-55 (10) Texas Commission on Environmental Quality;
 29-56 (11) Executive Council [~~Texas Board~~] of Physical
 29-57 Therapy and Occupational Therapy Examiners;
 29-58 (12) Texas Optometry Board;
 29-59 (13) Texas State Board of Pharmacy;
 29-60 (14) [~~Texas Board of Physical Therapy Examiners,~~
 29-61 ~~(15)~~] Texas State Board of Plumbing Examiners;
 29-62 (15) [~~(16)~~] Texas State Board of Examiners of
 29-63 Psychologists;
 29-64 (16) [~~(17)~~] Texas Real Estate Commission;
 29-65 (17) [~~(18)~~] Texas Department of Transportation;
 29-66 (18) [~~(19)~~] State Board of Veterinary Medical
 29-67 Examiners;
 29-68 (19) [~~(20)~~] Texas Department of Housing and Community
 29-69 Affairs;

- 30-1 (20) [~~(21)~~] secretary of state;
- 30-2 (21) [~~(22)~~] state fire marshal;
- 30-3 (22) [~~(23)~~] Texas Education Agency;
- 30-4 (23) [~~(24)~~] Department of Agriculture; and
- 30-5 (24) [~~(25)~~] Texas Department of Motor Vehicles.

30-6 SECTION 39. Section 411.125, Government Code, is amended to
 30-7 read as follows:

30-8 Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD
 30-9 INFORMATION: TEXAS BOARD OF NURSING. (a) The Texas Board of
 30-10 Nursing is entitled to obtain [~~from the department~~] criminal
 30-11 history record information as provided by Subsection (b)
 30-12 [~~maintained by the department~~] that relates to a person who:

30-13 (1) is an applicant for vocational, registered, or
 30-14 advanced practice registered nurse licensure, or the holder of a
 30-15 license issued by the board;

30-16 (2) has requested a determination of eligibility for a
 30-17 license from the board; [~~or~~]

30-18 (3) is subject to investigation by the board in
 30-19 connection with a complaint or formal charge against the person; or

30-20 (4) is accepted for enrollment in a nursing education
 30-21 program that prepares the person for licensure as a vocational,
 30-22 registered, or advanced practice registered nurse.

30-23 (b) Subject to Section 411.087 and consistent with the
 30-24 public policy of this state, the Texas Board of Nursing is entitled
 30-25 to:

30-26 (1) obtain through the Federal Bureau of Investigation
 30-27 criminal history record information maintained or indexed by that
 30-28 bureau that pertains to a person described by Subsection (a); and

30-29 (2) obtain from the department or any other criminal
 30-30 justice agency in this state criminal history record information
 30-31 maintained by the department or that criminal justice agency that
 30-32 relates to a person described by Subsection (a).

30-33 (c) The Texas Board of Nursing may not release or disclose
 30-34 to any person criminal history record information obtained from the
 30-35 Federal Bureau of Investigation under Subsection (b)(1). Criminal
 30-36 history record information obtained by the Texas Board of Nursing
 30-37 under Subsection (b)(2) may not be released or disclosed to any
 30-38 person except:

30-39 (1) as required under a court order;

30-40 (2) to a nursing board that is a member of the nurse
 30-41 licensure compact under Chapter 304, Occupations Code;

30-42 (3) with the written consent of the person who is the
 30-43 subject of the criminal history record information; or

30-44 (4) as provided by Subsection (d).

30-45 (d) The Texas Board of Nursing is not prohibited from
 30-46 disclosing criminal history record information obtained under
 30-47 Subsection (b)(2) in a criminal proceeding, in a contested case
 30-48 proceeding conducted by the State Office of Administrative
 30-49 Hearings, or as part of an appeal of a contested case proceeding.

30-50 (e) Criminal history record information obtained by the
 30-51 Texas Board of Nursing shall be destroyed by the agency after a
 30-52 final determination is made and all appeals are concluded in the
 30-53 matter for which the information was obtained.

30-54 SECTION 40. Subchapter F, Chapter 411, Government Code, is
 30-55 amended by adding Section 411.12501 to read as follows:

30-56 Sec. 411.12501. ACCESS TO CRIMINAL HISTORY RECORD
 30-57 INFORMATION OF FEDERAL BUREAU OF INVESTIGATION: TEXAS ALCOHOLIC
 30-58 BEVERAGE COMMISSION. (a) Subject to Section 411.087 and Public Law
 30-59 92-544, the Texas Alcoholic Beverage Commission is authorized to
 30-60 obtain and use criminal history record information maintained or
 30-61 indexed by the Federal Bureau of Investigation that relates to a
 30-62 person who is an applicant for or holds a license, permit, or
 30-63 certificate under the Texas Alcoholic Beverage Code.

30-64 (b) This section does not limit the commission's ability to
 30-65 obtain criminal history record information for criminal justice
 30-66 purposes or as authorized by other law.

30-67 (c) The commission may require any person for whom the
 30-68 commission is authorized to obtain and use criminal history record
 30-69 information under Subsection (a) to submit a complete and legible

31-1 set of fingerprints to the commission on a form prescribed by the
31-2 commission for the purpose of obtaining criminal history record
31-3 information.

31-4 SECTION 41. Subchapter F, Chapter 411, Government Code, is
31-5 amended by adding Section 411.12502 to read as follows:

31-6 Sec. 411.12502. ACCESS TO CRIMINAL HISTORY RECORD
31-7 INFORMATION: TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. (a) The
31-8 Texas Behavioral Health Executive Council is entitled to obtain
31-9 criminal history record information as provided by Subsection (b)
31-10 that relates to a person who is an applicant for or licensed as:

31-11 (1) a licensed psychologist, licensed psychological
31-12 associate, or licensed specialist in school psychology under
31-13 Chapter 501, Occupations Code;

31-14 (2) a licensed marriage and family therapist or
31-15 licensed marriage and family therapist associate under Chapter 502,
31-16 Occupations Code;

31-17 (3) a licensed professional counselor or licensed
31-18 professional counselor associate under Chapter 503, Occupations
31-19 Code; or

31-20 (4) a licensed baccalaureate social worker, licensed
31-21 master social worker, or licensed clinical social worker under
31-22 Chapter 505, Occupations Code.

31-23 (b) Subject to Section 411.087 and consistent with the
31-24 public policy of this state, the Texas Behavioral Health Executive
31-25 Council is entitled to:

31-26 (1) obtain through the Federal Bureau of Investigation
31-27 criminal history record information maintained or indexed by that
31-28 bureau that pertains to a person described by Subsection (a); and

31-29 (2) obtain from the department or any other criminal
31-30 justice agency in this state criminal history record information
31-31 maintained by the department or that criminal justice agency that
31-32 relates to a person described by Subsection (a).

31-33 (c) The Texas Behavioral Health Executive Council may not
31-34 release or disclose to any person criminal history record
31-35 information obtained from the Federal Bureau of Investigation under
31-36 Subsection (b)(1). Criminal history record information obtained by
31-37 the executive council under Subsection (b)(2) may not be released
31-38 or disclosed to any person except on court order, with the written
31-39 consent of the person who is the subject of the criminal history
31-40 record information, or as provided by Subsection (d).

31-41 (d) The Texas Behavioral Health Executive Council is not
31-42 prohibited from disclosing criminal history record information
31-43 obtained under Subsection (b)(2) in a criminal proceeding or in a
31-44 hearing conducted by the executive council or the State Office of
31-45 Administrative Hearings.

31-46 (e) The Texas Behavioral Health Executive Council shall
31-47 destroy criminal history record information that is obtained under
31-48 this section after the information is used for its authorized
31-49 purpose.

31-50 SECTION 42. Subchapter F, Chapter 411, Government Code, is
31-51 amended by adding Section 411.12503 to read as follows:

31-52 Sec. 411.12503. ACCESS TO CRIMINAL HISTORY RECORD
31-53 INFORMATION: TEXAS BOARD OF CHIROPRACTIC EXAMINERS. (a) The Texas
31-54 Board of Chiropractic Examiners is entitled to obtain criminal
31-55 history record information as provided by Subsection (b) that
31-56 relates to:

31-57 (1) a person who is an applicant for a license or
31-58 registration under Chapter 201, Occupations Code; or

31-59 (2) the holder of a license or registration under
31-60 Chapter 201, Occupations Code.

31-61 (b) Subject to Section 411.087 and consistent with the
31-62 public policy of this state, the Texas Board of Chiropractic
31-63 Examiners is entitled to:

31-64 (1) obtain through the Federal Bureau of Investigation
31-65 criminal history record information maintained or indexed by that
31-66 bureau that pertains to a person described by Subsection (a); and

31-67 (2) obtain from the department or any other criminal
31-68 justice agency in this state criminal history record information
31-69 maintained by the department or that criminal justice agency that

32-1 relates to a person described by Subsection (a).
 32-2 (c) The Texas Board of Chiropractic Examiners may not
 32-3 release or disclose to any person criminal history record
 32-4 information obtained from the Federal Bureau of Investigation under
 32-5 Subsection (b)(1). Criminal history record information obtained by
 32-6 the Texas Board of Chiropractic Examiners under Subsection (b)(2)
 32-7 may not be released or disclosed to any person except on court
 32-8 order, with the written consent of the person who is the subject of
 32-9 the criminal history record information, or as provided by
 32-10 Subsection (d).
 32-11 (d) The Texas Board of Chiropractic Examiners is not
 32-12 prohibited from disclosing criminal history record information
 32-13 obtained under Subsection (b)(2) in a criminal proceeding or in a
 32-14 hearing conducted under the authority of the Texas Board of
 32-15 Chiropractic Examiners.
 32-16 (e) The Texas Board of Chiropractic Examiners shall destroy
 32-17 criminal history record information that is obtained under this
 32-18 section after the information is used for its authorized purpose.
 32-19 SECTION 43. Subchapter F, Chapter 411, Government Code, is
 32-20 amended by adding Section 411.12504 to read as follows:
 32-21 Sec. 411.12504. ACCESS TO CRIMINAL HISTORY RECORD
 32-22 INFORMATION: STATE BOARD OF DENTAL EXAMINERS. (a) The State Board
 32-23 of Dental Examiners is entitled to obtain criminal history record
 32-24 information as provided by Subsection (b) that relates to a person
 32-25 who:
 32-26 (1) is an applicant for a license, certificate,
 32-27 registration, permit, or other authorization under Subtitle D,
 32-28 Title 3, Occupations Code;
 32-29 (2) is the holder of a license, certificate,
 32-30 registration, permit, or other authorization under that subtitle;
 32-31 (3) requests a determination of eligibility for a
 32-32 license, certificate, registration, permit, or other authorization
 32-33 from the State Board of Dental Examiners; or
 32-34 (4) is an applicant for employment at or current
 32-35 employee of the State Board of Dental Examiners.
 32-36 (b) Subject to Section 411.087 and consistent with the
 32-37 public policy of this state, the State Board of Dental Examiners is
 32-38 entitled to:
 32-39 (1) obtain through the Federal Bureau of Investigation
 32-40 criminal history record information maintained or indexed by that
 32-41 bureau that pertains to a person described by Subsection (a); and
 32-42 (2) obtain from the department or any other criminal
 32-43 justice agency in this state criminal history record information
 32-44 maintained by the department or that criminal justice agency that
 32-45 relates to a person described by Subsection (a).
 32-46 (c) The State Board of Dental Examiners may not release or
 32-47 disclose to any person criminal history record information obtained
 32-48 from the Federal Bureau of Investigation under Subsection (b)(1).
 32-49 Criminal history record information obtained by the State Board of
 32-50 Dental Examiners under Subsection (b)(2) may not be released or
 32-51 disclosed to any person except on court order, with the written
 32-52 consent of the person who is the subject of the criminal history
 32-53 record information, or as provided by Subsection (d).
 32-54 (d) The State Board of Dental Examiners is not prohibited
 32-55 from disclosing criminal history record information obtained under
 32-56 Subsection (b)(2) in a criminal proceeding or in a hearing
 32-57 conducted by the State Board of Dental Examiners or the State Office
 32-58 of Administrative Hearings.
 32-59 (e) The State Board of Dental Examiners shall destroy
 32-60 criminal history record information obtained under this section
 32-61 after a final determination is made in the matter for which the
 32-62 information was obtained.
 32-63 SECTION 44. Subchapter F, Chapter 411, Government Code, is
 32-64 amended by adding Section 411.12505 to read as follows:
 32-65 Sec. 411.12505. ACCESS TO CRIMINAL HISTORY RECORD
 32-66 INFORMATION: QUALIFIED SCHOOL CONTRACTORS. (a) In this section,
 32-67 "qualified school contractor" means an entity that:
 32-68 (1) contracts or subcontracts to provide services to a
 32-69 school district, charter school, or shared services arrangement;

33-1 and
33-2 (2) is determined eligible by the department to obtain
33-3 criminal history record information under the National Child
33-4 Protection Act of 1993 (34 U.S.C. Section 40101 et seq.) for an
33-5 employee, applicant for employment, or volunteer of the qualified
33-6 school contractor.
33-7 (b) A qualified school contractor is entitled to obtain from
33-8 the department or any other criminal justice agency in this state
33-9 criminal history record information maintained by the department or
33-10 that criminal justice agency that relates to a person described by
33-11 Subsection (a)(2).
33-12 (c) Criminal history record information obtained by a
33-13 qualified school contractor under Subsection (b) in the original
33-14 form or any subsequent form:
33-15 (1) may not be released to any person except:
33-16 (A) to the person who is the subject of the
33-17 information;
33-18 (B) with the consent of the person who is the
33-19 subject of the information;
33-20 (C) by court order; or
33-21 (D) except as provided by Subsection (d); and
33-22 (2) is not subject to disclosure as provided by
33-23 Chapter 552.
33-24 (d) A qualified school contractor may provide a fitness
33-25 determination based on criminal history record information
33-26 obtained under this section to a school district, charter school,
33-27 or shared services arrangement.
33-28 (e) A qualified school contractor shall destroy criminal
33-29 history record information that is obtained under this section
33-30 after the information is used for its authorized purpose.
33-31 (f) The department in coordination with the commissioner of
33-32 education may adopt rules necessary to implement this section.
33-33 SECTION 45. Subchapter F, Chapter 411, Government Code, is
33-34 amended by adding Section 411.12506 to read as follows:
33-35 Sec. 411.12506. ACCESS TO CRIMINAL HISTORY RECORD
33-36 INFORMATION: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. (a) The
33-37 Texas Commission on Environmental Quality is entitled to obtain
33-38 criminal history record information as provided by Subsection (b)
33-39 that relates to a person who:
33-40 (1) is an applicant for a license, permit, or
33-41 registration under:
33-42 (A) Chapters 341, 361, and 366, Health and Safety
33-43 Code;
33-44 (B) Chapter 1903, Occupations Code; or
33-45 (C) Chapters 26 and 37, Water Code;
33-46 (2) is the holder of a license, permit, or
33-47 registration under a provision listed in Subdivision (1); or
33-48 (3) requests a determination of eligibility for a
33-49 license, permit, or registration from the agency under a provision
33-50 listed in Subdivision (1).
33-51 (b) Subject to Section 411.087 and consistent with the
33-52 public policy of this state, the Texas Commission on Environmental
33-53 Quality is entitled to:
33-54 (1) obtain through the Federal Bureau of Investigation
33-55 criminal history record information maintained or indexed by that
33-56 bureau that pertains to a person described by Subsection (a); and
33-57 (2) obtain from the department or any other criminal
33-58 justice agency in this state criminal history record information
33-59 maintained by the department or that criminal justice agency that
33-60 relates to a person described by Subsection (a).
33-61 (c) The Texas Commission on Environmental Quality may not
33-62 release or disclose to any person criminal history record
33-63 information obtained from the Federal Bureau of Investigation under
33-64 Subsection (b)(1). Criminal history record information obtained by
33-65 the Texas Commission on Environmental Quality under Subsection
33-66 (b)(2) may not be released or disclosed to any person except on
33-67 court order, with the written consent of the person who is the
33-68 subject of the criminal history record information, or as provided
33-69 by Subsection (d).

34-1 (d) The Texas Commission on Environmental Quality is not
 34-2 prohibited from disclosing criminal history record information
 34-3 obtained under Subsection (b)(2) in a criminal proceeding or in an
 34-4 administrative proceeding conducted by the Texas Commission on
 34-5 Environmental Quality or the State Office of Administrative
 34-6 Hearings.

34-7 (e) The Texas Commission on Environmental Quality shall
 34-8 destroy criminal history record information that is obtained under
 34-9 this section after the information is used for its authorized
 34-10 purpose.

34-11 SECTION 46. Subchapter F, Chapter 411, Government Code, is
 34-12 amended by adding Section 411.12507 to read as follows:

34-13 Sec. 411.12507. ACCESS TO CRIMINAL HISTORY RECORD
 34-14 INFORMATION: TEXAS FUNERAL SERVICE COMMISSION. (a) The Texas
 34-15 Funeral Service Commission is entitled to obtain criminal history
 34-16 record information as provided by Subsection (b) that relates to:

34-17 (1) a person who is:

34-18 (A) an applicant for a license or certificate
 34-19 under Sections 651.259 and 651.302, Occupations Code; or

34-20 (B) the holder of a license or certificate under
 34-21 Chapter 651, Occupations Code;

34-22 (2) an applicant for a license or a license holder
 34-23 under Chapter 651, Occupations Code;

34-24 (3) an applicant for employment at or current employee
 34-25 of the Texas Funeral Service Commission; or

34-26 (4) a person authorized to access vital records or the
 34-27 vital records electronic registration system under Chapter 191,
 34-28 Health and Safety Code, or a funeral director.

34-29 (b) Subject to Section 411.087 and consistent with the
 34-30 public policy of this state, the Texas Funeral Service Commission
 34-31 is entitled to:

34-32 (1) obtain through the Federal Bureau of Investigation
 34-33 criminal history record information maintained or indexed by that
 34-34 bureau that pertains to a person described by Subsection (a); and

34-35 (2) obtain from the department or any other criminal
 34-36 justice agency in this state criminal history record information
 34-37 maintained by the department or that criminal justice agency that
 34-38 relates to a person described by Subsection (a).

34-39 (c) The Texas Funeral Service Commission may not release or
 34-40 disclose to any person criminal history record information obtained
 34-41 from the Federal Bureau of Investigation under Subsection (b)(1).
 34-42 Criminal history record information obtained by the Texas Funeral
 34-43 Service Commission under Subsection (b)(2) may not be released or
 34-44 disclosed to any person except on court order, with the written
 34-45 consent of the person who is the subject of the criminal history
 34-46 record information, or as provided by Subsection (d).

34-47 (d) The Texas Funeral Service Commission is not prohibited
 34-48 from disclosing criminal history record information obtained under
 34-49 Subsection (b)(2) in a criminal proceeding or in a hearing
 34-50 conducted by the Texas Funeral Service Commission.

34-51 (e) The Texas Funeral Service Commission may not consider
 34-52 offenses described by Section 542.304, Transportation Code, to
 34-53 determine whether to hire or retain an employee or to contract with
 34-54 a person on whom criminal history record information is obtained
 34-55 under this section.

34-56 (f) The Texas Funeral Service Commission shall destroy
 34-57 criminal history record information that is obtained under this
 34-58 section after the information is used for its authorized purpose.

34-59 SECTION 47. Subchapter F, Chapter 411, Government Code, is
 34-60 amended by adding Section 411.12508 to read as follows:

34-61 Sec. 411.12508. ACCESS TO CRIMINAL HISTORY RECORD
 34-62 INFORMATION: MANUFACTURED HOUSING DIVISION. (a) The manufactured
 34-63 housing division of the Texas Department of Housing and Community
 34-64 Affairs is entitled to obtain criminal history record information
 34-65 as provided by Subsection (b) that relates to a person who is:

34-66 (1) an applicant for or holder of a license under
 34-67 Chapter 1201, Occupations Code; or

34-68 (2) an owner, officer, or related person or manager of
 34-69 a person described by Subdivision (1).

35-1 (b) Subject to Section 411.087 of this code and Chapter
 35-2 1201, Occupations Code, and consistent with the public policy of
 35-3 this state, the manufactured housing division is entitled to:

35-4 (1) obtain through the Federal Bureau of Investigation
 35-5 criminal history record information maintained or indexed by that
 35-6 bureau that pertains to a person described by Subsection (a); and

35-7 (2) obtain from the department or any other criminal
 35-8 justice agency in this state criminal history record information
 35-9 maintained by the department or that criminal justice agency that
 35-10 relates to a person described by Subsection (a).

35-11 (c) The manufactured housing division may not release or
 35-12 disclose to any person criminal history record information obtained
 35-13 from the Federal Bureau of Investigation under Subsection (b)(1).
 35-14 Criminal history record information obtained by the manufactured
 35-15 housing division under Subsection (b)(2) may not be released or
 35-16 disclosed to any person except on court order, with the written
 35-17 consent of the person who is the subject of the criminal history
 35-18 record information, or as provided by Subsection (d).

35-19 (d) The manufactured housing division is not prohibited
 35-20 from disclosing criminal history record information obtained under
 35-21 Subsection (b)(2) in a criminal proceeding or in a hearing
 35-22 conducted by the manufactured housing division. Certified public
 35-23 documents that contain criminal history record information
 35-24 described by Subsection (b)(2) but that the division does not
 35-25 obtain under that subdivision may be used in a criminal or civil
 35-26 proceeding or in a hearing conducted by the manufactured housing
 35-27 division.

35-28 (e) The manufactured housing division shall destroy
 35-29 criminal history record information that is obtained under this
 35-30 section after the information is used for its authorized purpose.

35-31 SECTION 48. Subchapter F, Chapter 411, Government Code, is
 35-32 amended by adding Section 411.12509 to read as follows:

35-33 Sec. 411.12509. ACCESS TO CRIMINAL HISTORY RECORD
 35-34 INFORMATION: STATE FIRE MARSHAL. (a) The state fire marshal is
 35-35 entitled to obtain criminal history record information as provided
 35-36 by Subsection (b) that relates to a person who is an applicant for a
 35-37 license issued by the state fire marshal.

35-38 (b) Subject to Section 411.087 and consistent with the
 35-39 public policy of this state, the state fire marshal is entitled to:

35-40 (1) obtain through the Federal Bureau of Investigation
 35-41 criminal history record information maintained or indexed by that
 35-42 bureau that pertains to a person described by Subsection (a); and

35-43 (2) obtain from the department or any other criminal
 35-44 justice agency in this state criminal history record information
 35-45 maintained by the department or that criminal justice agency that
 35-46 relates to a person described by Subsection (a).

35-47 (c) The state fire marshal may not release or disclose to
 35-48 any person criminal history record information obtained from the
 35-49 Federal Bureau of Investigation under Subsection (b)(1). Criminal
 35-50 history record information obtained by the state fire marshal under
 35-51 Subsection (b)(2) may not be disclosed or released to any person
 35-52 except on court order, with the written consent of the person who is
 35-53 the subject of the criminal history record information, or as
 35-54 provided by Subsection (d).

35-55 (d) The state fire marshal is not prohibited from disclosing
 35-56 criminal history record information obtained under Subsection
 35-57 (b)(2) in a criminal proceeding or in a hearing conducted by the
 35-58 state fire marshal.

35-59 (e) The state fire marshal shall destroy criminal history
 35-60 record information that is obtained under this section after the
 35-61 information is used for its authorized purpose.

35-62 SECTION 49. Subchapter F, Chapter 411, Government Code, is
 35-63 amended by adding Section 411.12510 to read as follows:

35-64 Sec. 411.12510. ACCESS TO CRIMINAL HISTORY RECORD
 35-65 INFORMATION: TEXAS MEDICAL BOARD. (a) The Texas Medical Board is
 35-66 entitled to obtain criminal history record information as provided
 35-67 by Subsection (b) that relates to a person who is:

35-68 (1) an applicant for or holder of a license to practice
 35-69 medicine;

- 36-1 (2) an applicant for or holder of a license to practice
- 36-2 as a physician assistant;
- 36-3 (3) an applicant for or holder of a license to practice
- 36-4 as an acupuncturist;
- 36-5 (4) an applicant for or holder of a certificate to
- 36-6 practice as an acudetox specialist;
- 36-7 (5) an applicant for or holder of a license to practice
- 36-8 as a surgical assistant;
- 36-9 (6) an applicant for or holder of a general
- 36-10 certificate to perform radiologic procedures, limited certificate
- 36-11 to perform radiologic procedures only on specific parts of the
- 36-12 body, or radiologist assistant certificate;
- 36-13 (7) an applicant for or holder of a placement on the
- 36-14 registry of noncertified technicians;
- 36-15 (8) an employee of an applicant for a hardship
- 36-16 exemption;
- 36-17 (9) an applicant for or holder of a license to practice
- 36-18 as a medical physicist;
- 36-19 (10) an applicant for or holder of a license to
- 36-20 practice as a perfusionist;
- 36-21 (11) an applicant for or holder of a license to
- 36-22 practice as a respiratory care practitioner; and
- 36-23 (12) an applicant for or holder of a pain management
- 36-24 clinic certificate.

36-25 (b) Subject to Section 411.087 and consistent with the

36-26 public policy of this state, the Texas Medical Board is entitled to:

36-27 (1) obtain through the Federal Bureau of Investigation

36-28 criminal history record information maintained or indexed by that

36-29 bureau that pertains to a person described by Subsection (a); and

36-30 (2) obtain from the department or any other criminal

36-31 justice agency in this state criminal history record information

36-32 maintained by the department or that criminal justice agency that

36-33 relates to a person described by Subsection (a).

36-34 (c) The Texas Medical Board may not release or disclose to

36-35 any person criminal history record information obtained from the

36-36 Federal Bureau of Investigation under Subsection (b)(1). Criminal

36-37 history record information obtained by the Texas Medical Board

36-38 under Subsection (b)(2) may not be released or disclosed to any

36-39 person, except as provided by Subsection (d).

36-40 (d) The Texas Medical Board is not prohibited from

36-41 disclosing criminal history record information obtained under

36-42 Subsection (b)(2) in a hearing conducted by the Texas Medical Board

36-43 or its advisory boards.

36-44 (e) The Texas Medical Board shall destroy criminal history

36-45 record information that is obtained under this section after the

36-46 information is used for its authorized purpose.

36-47 SECTION 50. Subchapter F, Chapter 411, Government Code, is

36-48 amended by adding Section 411.12511 to read as follows:

36-49 Sec. 411.12511. ACCESS TO CRIMINAL HISTORY RECORD

36-50 INFORMATION: TEXAS DEPARTMENT OF MOTOR VEHICLES. (a) The Texas

36-51 Department of Motor Vehicles is entitled to obtain criminal history

36-52 record information as provided by Subsection (b) that relates to a

36-53 person:

36-54 (1) who is an applicant for or holds a general

36-55 distinguishing number under Chapter 503, Transportation Code;

36-56 (2) who is an applicant for or holds a license under

36-57 Chapter 2301 or 2302, Occupations Code; or

36-58 (3) who is an officer, director, member, manager,

36-59 principal, partner, trustee, or other person acting in a

36-60 representative capacity for an applicant, general distinguishing

36-61 number holder, or license holder and whose act or omission would be

36-62 cause for denying, revoking, or suspending a general distinguishing

36-63 number or license issued under Chapter 503, Transportation Code, or

36-64 Chapter 2301 or 2302, Occupations Code.

36-65 (b) Subject to Section 411.087 and consistent with the

36-66 public policy of this state, the Texas Department of Motor Vehicles

36-67 is entitled to:

36-68 (1) obtain through the Federal Bureau of Investigation

36-69 criminal history record information maintained or indexed by that

37-1 bureau that pertains to a person described by Subsection (a); and
37-2 (2) obtain from the department or any other criminal
37-3 justice agency in this state criminal history record information
37-4 maintained by the department or that criminal justice agency that
37-5 relates to a person described by Subsection (a).

37-6 (c) The Texas Department of Motor Vehicles may not release
37-7 or disclose to any person criminal history record information
37-8 obtained from the Federal Bureau of Investigation under Subsection
37-9 (b)(1). Criminal history record information obtained by the Texas
37-10 Department of Motor Vehicles under Subsection (b)(2) may not be
37-11 released or disclosed to any person except on court order, with the
37-12 written consent of the person who is the subject of the criminal
37-13 history record information, or as provided by Subsection (d).

37-14 (d) The Texas Department of Motor Vehicles is not prohibited
37-15 from disclosing criminal history record information obtained under
37-16 Subsection (b)(2) in a criminal proceeding or in a hearing in which
37-17 the Texas Department of Motor Vehicles is a party.

37-18 (e) The Texas Department of Motor Vehicles shall destroy
37-19 criminal history record information that is obtained under this
37-20 section after the information is used for its authorized purpose.

37-21 SECTION 51. Subchapter F, Chapter 411, Government Code, is
37-22 amended by adding Section 411.12512 to read as follows:

37-23 Sec. 411.12512. ACCESS TO CRIMINAL HISTORY RECORD
37-24 INFORMATION: TEXAS OPTOMETRY BOARD. (a) The Texas Optometry Board
37-25 is entitled to obtain criminal history record information as
37-26 provided by Subsection (b) that relates to a person who is:

37-27 (1) an applicant for a license under Section 351.251,
37-28 Occupations Code; or

37-29 (2) the holder of a license under Section 351.302,
37-30 Occupations Code.

37-31 (b) Subject to Section 411.087 of this code and Sections
37-32 351.2525 and 351.3045, Occupations Code, and consistent with the
37-33 public policy of this state, the Texas Optometry Board is entitled
37-34 to:

37-35 (1) obtain through the Federal Bureau of Investigation
37-36 criminal history record information maintained or indexed by that
37-37 bureau that pertains to a person described by Subsection (a); and

37-38 (2) obtain from the department or any other criminal
37-39 justice agency in this state criminal history record information
37-40 maintained by the department or that criminal justice agency that
37-41 relates to a person described by Subsection (a).

37-42 (c) The Texas Optometry Board may not release or disclose to
37-43 any person criminal history record information obtained from the
37-44 Federal Bureau of Investigation under Subsection (b)(1). Criminal
37-45 history record information obtained by the Texas Optometry Board
37-46 under Subsection (b)(2) may not be released or disclosed to any
37-47 person except on court order, with the written consent of the person
37-48 who is the subject of the criminal history record information, or as
37-49 provided by Subsection (d).

37-50 (d) The Texas Optometry Board is not prohibited from
37-51 disclosing criminal history record information obtained under
37-52 Subsection (b)(2) in a criminal proceeding or in a hearing
37-53 conducted by the Texas Optometry Board.

37-54 (e) The Texas Optometry Board shall destroy criminal
37-55 history record information that is obtained under this section
37-56 after the information is used for its authorized purpose.

37-57 SECTION 52. Subchapter F, Chapter 411, Government Code, is
37-58 amended by adding Section 411.12513 to read as follows:

37-59 Sec. 411.12513. ACCESS TO CRIMINAL HISTORY RECORD
37-60 INFORMATION: EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND
37-61 OCCUPATIONAL THERAPY EXAMINERS. (a) The Executive Council of
37-62 Physical Therapy and Occupational Therapy Examiners is entitled to
37-63 obtain criminal history record information as provided by
37-64 Subsection (b) that relates to a person who is:

37-65 (1) an applicant for or the holder of a physical
37-66 therapist or physical therapist assistant license under Chapter
37-67 453, Occupations Code; or

37-68 (2) an applicant for or the holder of an occupational
37-69 therapist or occupational therapy assistant license under Chapter

38-1 454, Occupations Code.

38-2 (b) Subject to Section 411.087 and consistent with the
 38-3 public policy of this state, the Executive Council of Physical
 38-4 Therapy and Occupational Therapy Examiners is entitled to:

38-5 (1) obtain through the Federal Bureau of Investigation
 38-6 criminal history record information maintained or indexed by that
 38-7 bureau that pertains to a person described by Subsection (a); and

38-8 (2) obtain from the department or any other criminal
 38-9 justice agency in this state criminal history record information
 38-10 maintained by the department or that criminal justice agency that
 38-11 relates to a person described by Subsection (a).

38-12 (c) The Executive Council of Physical Therapy and
 38-13 Occupational Therapy Examiners may not release or disclose to any
 38-14 person criminal history record information obtained from the
 38-15 Federal Bureau of Investigation under Subsection (b)(1). Criminal
 38-16 history record information obtained by the Executive Council of
 38-17 Physical Therapy and Occupational Therapy Examiners under
 38-18 Subsection (b)(2) may not be released or disclosed to any person
 38-19 except on court order, with the written consent of the person who is
 38-20 the subject of the criminal history record information, or as
 38-21 provided by Subsection (d).

38-22 (d) The Executive Council of Physical Therapy and
 38-23 Occupational Therapy Examiners is not prohibited from disclosing
 38-24 criminal history record information obtained under Subsection
 38-25 (b)(2) in a criminal proceeding or in a hearing conducted by the
 38-26 Executive Council of Physical Therapy and Occupational Therapy
 38-27 Examiners.

38-28 (e) The Executive Council of Physical Therapy and
 38-29 Occupational Therapy Examiners shall destroy criminal history
 38-30 record information that is obtained under this section after the
 38-31 information is used for its authorized purpose.

38-32 SECTION 53. Subchapter F, Chapter 411, Government Code, is
 38-33 amended by adding Section 411.12514 to read as follows:

38-34 Sec. 411.12514. ACCESS TO CRIMINAL HISTORY RECORD
 38-35 INFORMATION: TEXAS STATE BOARD OF PLUMBING EXAMINERS. (a) The
 38-36 Texas State Board of Plumbing Examiners is entitled to obtain
 38-37 criminal history record information as provided by Subsection (b)
 38-38 that relates to an applicant for a license, registration,
 38-39 endorsement, or certificate under Chapter 1301, Occupations Code,
 38-40 including a license, registration, endorsement, or certificate, as
 38-41 applicable, for any of the following functions: master plumber,
 38-42 journeyman plumber, plumbing inspector, tradesman-plumber limited,
 38-43 plumber's apprentice, multipurpose residential fire protection
 38-44 sprinkler specialist, water supply protection specialist, and
 38-45 medical gas piping installation.

38-46 (b) Subject to Section 411.087 and consistent with the
 38-47 public policy of this state, the Texas State Board of Plumbing
 38-48 Examiners is entitled to:

38-49 (1) obtain through the Federal Bureau of Investigation
 38-50 criminal history record information maintained or indexed by that
 38-51 bureau that pertains to a person described by Subsection (a); and

38-52 (2) obtain from the department or any other criminal
 38-53 justice agency in this state criminal history record information
 38-54 maintained by the department or that criminal justice agency that
 38-55 relates to a person described by Subsection (a).

38-56 (c) The Texas State Board of Plumbing Examiners may not
 38-57 release or disclose to any person criminal history record
 38-58 information obtained from the Federal Bureau of Investigation under
 38-59 Subsection (b)(1). Criminal history record information obtained by
 38-60 the Texas State Board of Plumbing Examiners under Subsection (b)(2)
 38-61 may not be released or disclosed to any person except on court
 38-62 order, with the written consent of the person or entity that is the
 38-63 subject of the criminal history record information, or as provided
 38-64 by Subsection (d).

38-65 (d) The Texas State Board of Plumbing Examiners is not
 38-66 prohibited from disclosing criminal history record information
 38-67 obtained under Subsection (b)(2) in a criminal proceeding or in a
 38-68 hearing conducted by the Texas State Board of Plumbing Examiners.

38-69 (e) The Texas State Board of Plumbing Examiners shall

39-1 destroy criminal history record information that is obtained under
 39-2 this section after the information is used for its authorized
 39-3 purpose.

39-4 SECTION 54. Subchapter F, Chapter 411, Government Code, is
 39-5 amended by adding Section 411.12515 to read as follows:

39-6 Sec. 411.12515. ACCESS TO CRIMINAL HISTORY RECORD
 39-7 INFORMATION: TEXAS REAL ESTATE COMMISSION AND TEXAS APPRAISER
 39-8 LICENSING AND CERTIFICATION BOARD. (a) In this section:

39-9 (1) "Board" means the Texas Appraiser Licensing and
 39-10 Certification Board.

39-11 (2) "Commission" means the Texas Real Estate
 39-12 Commission.

39-13 (b) The commission is entitled to obtain criminal history
 39-14 record information as provided by Subsection (d) that relates to:

39-15 (1) an applicant for an initial broker or sales agent
 39-16 license or renewal of a broker or sales agent license under Chapter
 39-17 1101, Occupations Code;

39-18 (2) an applicant for an original certificate of
 39-19 registration as an easement or right-of-way agent or renewal of a
 39-20 certificate of registration as an easement or right-of-way agent
 39-21 under Chapter 1101, Occupations Code; or

39-22 (3) an applicant for an apprentice inspector license,
 39-23 a real estate inspector license, or a professional inspector
 39-24 license or renewal of an apprentice inspector license, a real
 39-25 estate inspector license, or a professional inspector license under
 39-26 Chapter 1102, Occupations Code.

39-27 (c) The board is entitled to obtain criminal history record
 39-28 information as provided by Subsection (d) that relates to:

39-29 (1) an applicant for an appraiser trainee license, a
 39-30 residential appraiser license, a residential appraiser
 39-31 certificate, or a general appraiser certificate or renewal of an
 39-32 appraiser trainee license, a residential appraiser license, a
 39-33 residential appraiser certificate, or a general appraiser
 39-34 certificate under Chapter 1103, Occupations Code; or

39-35 (2) an applicant for registration or renewal of a
 39-36 registration as an appraisal management company under Chapter 1104,
 39-37 Occupations Code.

39-38 (d) Subject to Section 411.087 of this code and Sections
 39-39 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031,
 39-40 Occupations Code, and consistent with the public policy of this
 39-41 state, the commission and the board are entitled to:

39-42 (1) obtain through the Federal Bureau of Investigation
 39-43 criminal history record information maintained or indexed by that
 39-44 bureau that pertains to a person described by Subsection (b) or (c);
 39-45 and

39-46 (2) obtain from the department or any other criminal
 39-47 justice agency in this state criminal history record information
 39-48 maintained by the department or that criminal justice agency that
 39-49 relates to a person described by Subsection (b) or (c).

39-50 (e) The commission or the board, as applicable, may not
 39-51 release or disclose to any person criminal history record
 39-52 information obtained from the Federal Bureau of Investigation under
 39-53 Subsection (d)(1). The commission or the board, as applicable, is
 39-54 not prohibited from disclosing criminal history record information
 39-55 obtained under Subsection (d)(2) in a criminal proceeding or in a
 39-56 hearing conducted by the State Office of Administrative Hearings on
 39-57 behalf of that agency.

39-58 (f) The commission or board shall destroy criminal history
 39-59 record information that is obtained under this section after the
 39-60 information is used for its authorized purpose.

39-61 SECTION 55. Subchapter F, Chapter 411, Government Code, is
 39-62 amended by adding Section 411.12516 to read as follows:

39-63 Sec. 411.12516. ACCESS TO CRIMINAL HISTORY RECORD
 39-64 INFORMATION: TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
 39-65 SURVEYORS. (a) The Texas Board of Professional Engineers and Land
 39-66 Surveyors is entitled to obtain criminal history record information
 39-67 as provided by Subsection (b) that relates to an applicant for or
 39-68 holder of a license under Chapters 1001 and 1071, Occupations Code.

39-69 (b) Subject to Section 411.087 of this code and Section

40-1 1001.272, Occupations Code, and consistent with the public policy
40-2 of this state, the Texas Board of Professional Engineers and Land
40-3 Surveyors is entitled to:

40-4 (1) obtain through the Federal Bureau of Investigation
40-5 criminal history record information maintained or indexed by that
40-6 bureau that pertains to a person described by Subsection (a); and

40-7 (2) obtain from the department or any other criminal
40-8 justice agency in this state criminal history record information
40-9 maintained by the department or that criminal justice agency that
40-10 relates to a person described by Subsection (a).

40-11 (c) The Texas Board of Professional Engineers and Land
40-12 Surveyors may not release or disclose to any person criminal
40-13 history record information obtained from the Federal Bureau of
40-14 Investigation under Subsection (b)(1). Criminal history record
40-15 information obtained by the Texas Board of Professional Engineers
40-16 and Land Surveyors under Subsection (b)(2) may not be released or
40-17 disclosed to any person except on court order, with the written
40-18 consent of the person who is the subject of the criminal history
40-19 record information, or as provided by Subsection (d).

40-20 (d) The Texas Board of Professional Engineers and Land
40-21 Surveyors is not prohibited from disclosing criminal history record
40-22 information obtained under Subsection (b)(2) in a criminal
40-23 proceeding or in a hearing conducted by the Texas Board of
40-24 Professional Engineers and Land Surveyors.

40-25 (e) The Texas Board of Professional Engineers and Land
40-26 Surveyors shall destroy criminal history record information that is
40-27 obtained under this section after the information is used for its
40-28 authorized purpose.

40-29 SECTION 56. Subchapter F, Chapter 411, Government Code, is
40-30 amended by adding Section 411.12517 to read as follows:

40-31 Sec. 411.12517. ACCESS TO CRIMINAL HISTORY RECORD
40-32 INFORMATION: TEXAS STATE BOARD OF PHARMACY. (a) The Texas State
40-33 Board of Pharmacy is entitled to obtain criminal history record
40-34 information as provided by Subsection (b) that relates to a person
40-35 who:

40-36 (1) is an applicant for or holder of a license,
40-37 certificate, registration, permit, or other authorization under
40-38 Chapters 557, 558, 559, and 568, Occupations Code;

40-39 (2) is an applicant for or holder of a Class A, Class
40-40 B, Class C, Class D, or Class E pharmacy license under Chapters 560
40-41 and 561, Occupations Code;

40-42 (3) requests a determination of eligibility for a
40-43 license, certificate, registration, permit, or other authorization
40-44 from the Texas State Board of Pharmacy; or

40-45 (4) is an applicant for employment at or current
40-46 employee of the Texas State Board of Pharmacy.

40-47 (b) Subject to Section 411.087 and consistent with the
40-48 public policy of this state, the Texas State Board of Pharmacy is
40-49 entitled to:

40-50 (1) obtain through the Federal Bureau of Investigation
40-51 criminal history record information maintained or indexed by that
40-52 bureau that pertains to a person described by Subsection (a); and

40-53 (2) obtain from the department or any other criminal
40-54 justice agency in this state criminal history record information
40-55 maintained by the department or that criminal justice agency that
40-56 relates to a person described by Subsection (a).

40-57 (c) The Texas State Board of Pharmacy may not release or
40-58 disclose to any person criminal history record information obtained
40-59 from the Federal Bureau of Investigation under Subsection (b)(1).
40-60 Criminal history record information obtained by the Texas State
40-61 Board of Pharmacy under Subsection (b)(2) may not be released or
40-62 disclosed to any person except on court order, with the written
40-63 consent of the person who is the subject of the criminal history
40-64 record information, or as provided by Subsection (d).

40-65 (d) The Texas State Board of Pharmacy is not prohibited from
40-66 disclosing criminal history record information obtained under
40-67 Subsection (b)(2) in a criminal proceeding or in a hearing
40-68 conducted by the Texas State Board of Pharmacy or the State Office
40-69 of Administrative Hearings.

41-1 (e) The Texas State Board of Pharmacy shall destroy criminal
41-2 history record information obtained under this section after a
41-3 final determination is made in the matter for which the information
41-4 was obtained.

41-5 SECTION 57. The heading to Section 411.1296, Government
41-6 Code, is amended to read as follows:

41-7 Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD
41-8 INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT, ~~[AND]~~ APPOINTMENT
41-9 TO APPRAISAL REVIEW BOARD FOR APPRAISAL DISTRICT, AND APPLICANT TO
41-10 TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD.

41-11 SECTION 58. Section 411.1296, Government Code, is amended
41-12 by amending Subsections (a) and (c) and adding Subsections (a-1),
41-13 (d), (e), and (f) to read as follows:

41-14 (a) Except as provided by Subsection (b), an appraisal
41-15 district established by Section 6.01, Tax Code, and the Texas
41-16 Appraiser Licensing and Certification Board are ~~[is]~~ entitled to
41-17 obtain ~~[from the department]~~ criminal history record information as
41-18 provided by Subsection (a-1) ~~[maintained by the department]~~ that
41-19 relates to a person who is an applicant for employment by the
41-20 appraisal district, ~~[or]~~ for appointment to the appraisal review
41-21 board for the appraisal district, for a license or certification as
41-22 an appraiser trainee, licensed residential appraiser, certified
41-23 residential appraiser, or certified general appraiser, or for an
41-24 appraisal management company regulated by the Texas Appraiser
41-25 Licensing and Certification Board.

41-26 (a-1) Subject to Section 411.087 and consistent with the
41-27 public policy of this state, an appraisal district and the Texas
41-28 Appraiser Licensing and Certification Board are entitled to:

41-29 (1) obtain through the Federal Bureau of Investigation
41-30 criminal history record information maintained or indexed by that
41-31 bureau that pertains to a person described by Subsection (a); and

41-32 (2) obtain from the department or any other criminal
41-33 justice agency in this state criminal history record information
41-34 maintained by the department or that criminal justice agency that
41-35 relates to a person described by Subsection (a).

41-36 (c) The appraisal district may provide criminal history
41-37 record information obtained under Subsection (a-1)(2) ~~[this~~
41-38 ~~section]~~ to the local administrative district judge or to the
41-39 appraisal review board commissioners appointed by the local
41-40 administrative district judge.

41-41 (d) An appraisal district or the Texas Appraiser Licensing
41-42 and Certification Board, as applicable, may not release or disclose
41-43 to any person criminal history record information obtained from the
41-44 Federal Bureau of Investigation under Subsection (a-1)(1).
41-45 Criminal history record information obtained by an appraisal
41-46 district or the Texas Appraiser Licensing and Certification Board
41-47 under Subsection (a-1)(2) may not be released or disclosed to any
41-48 person except on court order, with the written consent of the person
41-49 who is the subject of the criminal history record information, or as
41-50 provided by Subsections (c) and (e).

41-51 (e) An appraisal district or the Texas Appraiser Licensing
41-52 and Certification Board is not prohibited from disclosing criminal
41-53 history record information obtained under Subsection (a-1)(2) in a
41-54 criminal proceeding or in a hearing conducted by an appraisal
41-55 district or the Texas Appraiser Licensing and Certification Board.

41-56 (f) An appraisal district or the Texas Appraiser Licensing
41-57 and Certification Board shall destroy criminal history record
41-58 information that is obtained under this section after the
41-59 information is used for its authorized purpose.

41-60 SECTION 59. Section 411.1386, Government Code, is amended
41-61 by amending Subsections (a), (a-6), (b), (c), (g), and (h) and
41-62 adding Subsections (a-7) and (c-1) to read as follows:

41-63 (a) Except as provided by Subsections (a-1) ~~[, (a-5),]~~ and
41-64 (a-6), the clerk of the county having venue over a proceeding for
41-65 the appointment of a guardian under Title 3, Estates Code, shall
41-66 obtain ~~[from the department]~~ criminal history record information as
41-67 provided by Subsection (a-7) ~~[maintained by the department]~~ that
41-68 relates to ~~[+]~~

41-69 ~~[(1) a private professional guardian,~~

42-1 ~~[(2) each person who represents or plans to represent~~
42-2 ~~the interests of a ward as a guardian on behalf of the private~~
42-3 ~~professional guardian;~~

42-4 ~~[(3) each person employed by a private professional~~
42-5 ~~guardian who will;~~

42-6 ~~[(A) have personal contact with a ward or~~
42-7 ~~proposed ward;~~

42-8 ~~[(B) exercise control over and manage a ward's~~
42-9 ~~estate; or~~

42-10 ~~[(C) perform any duties with respect to the~~
42-11 ~~management of a ward's estate;~~

42-12 ~~[(4) each person employed by or volunteering or~~
42-13 ~~contracting with a guardianship program to provide guardianship~~
42-14 ~~services to a ward of the program on the program's behalf; or~~

42-15 ~~[(5)] any [other] person proposed to serve as a~~
42-16 ~~guardian under Title 3, Estates Code, including a proposed~~
42-17 ~~temporary guardian, [and] a proposed successor guardian, or any~~
42-18 ~~person who will have contact with the proposed ward or the proposed~~
42-19 ~~ward's estate on behalf of the proposed guardian, other than an~~
42-20 ~~attorney or a certified guardian.~~

42-21 (a-6) The clerk described by Subsection (a) is not required
42-22 to obtain criminal history record information from the department
42-23 for a person if the Judicial Branch Certification Commission
42-24 conducted a criminal history check on the person under Sections
42-25 155.203 and 155.207 [Chapter 155]. The commission shall provide to
42-26 the clerk [at the court's request] the criminal history record
42-27 information that was obtained from the department [or the Federal
42-28 Bureau of Investigation]. The clerk shall, in accordance with
42-29 Subsection (a-7)(1), obtain criminal history record information
42-30 from the Federal Bureau of Investigation identification division
42-31 relating to any person described by Subsection (a).

42-32 (a-7) Subject to Section 411.087 and consistent with the
42-33 public policy of this state, the clerk described by Subsection (a)
42-34 is entitled to:

42-35 (1) obtain through the Federal Bureau of Investigation
42-36 criminal history record information maintained or indexed by that
42-37 bureau that pertains to a person described by Subsection (a); and

42-38 (2) obtain from the department or any other criminal
42-39 justice agency in this state criminal history record information
42-40 maintained by the department or that criminal justice agency that
42-41 relates to a person described by Subsection (a).

42-42 (b) Criminal history record information obtained by or
42-43 provided to a clerk under this section [Subsection (a), (a-5), or
42-44 (a-6)] is for the exclusive use of the court and is privileged and
42-45 confidential.

42-46 (c) A clerk may not release or disclose to any person
42-47 criminal history record information obtained from the Federal
42-48 Bureau of Investigation under Subsection (a-7)(1). Criminal
42-49 history record information obtained by or provided to a clerk under
42-50 Subsection (a-7)(2) [(a), (a-5),] or (a-6) may not be released or
42-51 disclosed to any person or agency except on court order or with the
42-52 consent of the person who is the subject of the information.

42-53 (c-1) The clerk shall [may] destroy the criminal history
42-54 record information after the information is used for the purposes
42-55 authorized by this section.

42-56 (g) A person commits an offense if the person releases or
42-57 discloses any information received under this section without the
42-58 authorization prescribed by Subsection (c) [or (d)]. An offense
42-59 under this subsection is a Class A misdemeanor.

42-60 (h) The county clerk may charge a \$10 fee to recover the
42-61 costs of obtaining criminal history record information [records]
42-62 authorized by Subsection (a-7) [(a)].

42-63 SECTION 60. Section 411.13861, Government Code, is amended
42-64 by amending Subsections (a), (b), and (c) and adding Subsections
42-65 (a-1) and (c-1) to read as follows:

42-66 (a) The Health and Human Services Commission is entitled to
42-67 obtain [from the Department of Public Safety] criminal history
42-68 record information as provided by Subsection (a-1) [maintained by
42-69 the Department of Public Safety] that relates to a person:

43-1 (1) who is required to undergo a background and
43-2 criminal history check under Chapter 248A, Health and Safety Code;

43-3 (2) who seeks unsupervised visits with a ward of the
43-4 Health and Human Services Commission, including a relative of the
43-5 ward;

43-6 (3) who is an applicant for employment with the Health
43-7 and Human Services Commission for a position in which the person, as
43-8 an employee, would have direct access to residents or clients of a
43-9 facility regulated by the Health and Human Services Commission, as
43-10 determined by the executive commissioner of that commission; or

43-11 (4) who is an employee of the Health and Human Services
43-12 Commission and who has direct access to residents or clients of a
43-13 facility regulated by that commission, as determined by the
43-14 executive commissioner of that commission.

43-15 (a-1) Subject to Section 411.087 and consistent with the
43-16 public policy of this state, the Health and Human Services
43-17 Commission is entitled to:

43-18 (1) obtain through the Federal Bureau of Investigation
43-19 criminal history record information maintained or indexed by that
43-20 bureau that pertains to a person who is described by Subsection (a);
43-21 and

43-22 (2) obtain from the department or any other criminal
43-23 justice agency in this state criminal history record information
43-24 maintained by the department or that criminal justice agency that
43-25 relates to a person described by Subsection (a).

43-26 (b) Criminal history record information obtained under
43-27 Subsection (a-1) [~~(a)~~] is for the exclusive use of the Health and
43-28 Human Services Commission and is privileged and confidential.

43-29 (c) The Health and Human Services Commission may not release
43-30 or disclose to any person criminal history record information
43-31 obtained from the Federal Bureau of Investigation under Subsection
43-32 (a-1)(1). Criminal history record information obtained by the
43-33 Health and Human Services Commission under Subsection (a-1)(2)
43-34 [~~(a)~~] may not be released or disclosed to any person or agency
43-35 except on court order or with the consent of the person who is the
43-36 subject of the information.

43-37 (c-1) The Health and Human Services Commission shall [~~may~~]
43-38 destroy the criminal history record information after the
43-39 information is used for the purposes authorized by this section.

43-40 SECTION 61. Section 411.1405, Government Code, is amended
43-41 by amending Subsections (b), (c), and (d) and adding Subsections
43-42 (b-1) and (g) to read as follows:

43-43 (b) To the extent consistent with Subsection (e), a state
43-44 agency is entitled to obtain [~~from the department the~~] criminal
43-45 history record information as provided by Subsection (b-1)
43-46 [~~maintained by the department~~] that relates to a person who:

43-47 (1) is an employee, applicant for employment,
43-48 contractor, subcontractor, or intern or other volunteer with the
43-49 state agency or with a contractor or subcontractor for the state
43-50 agency; and

43-51 (2) has access to information resources or information
43-52 resources technologies, other than a desktop computer or telephone
43-53 station assigned to that person.

43-54 (b-1) Subject to Section 411.087 and consistent with the
43-55 public policy of this state, a state agency is entitled to:

43-56 (1) obtain through the Federal Bureau of Investigation
43-57 criminal history record information maintained or indexed by that
43-58 bureau that pertains to a person described by Subsection (b); and

43-59 (2) obtain from the department or any other criminal
43-60 justice agency in this state criminal history record information
43-61 maintained by the department or that criminal justice agency that
43-62 relates to a person described by Subsection (b).

43-63 (c) A state agency may not release or disclose to any person
43-64 criminal history record information obtained from the Federal
43-65 Bureau of Investigation under Subsection (b-1)(1). A state agency
43-66 that obtains criminal history record information under this section
43-67 may not release or disclose the information obtained under
43-68 Subsection (b-1)(2) or any documents or other records derived from
43-69 the information except:

44-1 (1) by court order;
 44-2 (2) with the consent of the person who is the subject
 44-3 of the information; ~~[or]~~
 44-4 (3) to the affected contractor or subcontractor; or
 44-5 (4) as described by Subsection (g) [~~unless the~~
 44-6 ~~information was obtained by the department from the Federal Bureau~~
 44-7 ~~of Investigation]~~.

44-8 (d) A state agency and the affected contractor or
 44-9 subcontractor shall destroy criminal history record information
 44-10 obtained under this section after the information is used for the
 44-11 purposes authorized by this section [~~that relates to a person after~~
 44-12 ~~the information is used to make an employment decision or to take a~~
 44-13 ~~personnel action relating to the person who is the subject of the~~
 44-14 ~~information]~~.

44-15 (g) A state agency is not prohibited from disclosing
 44-16 criminal history record information obtained under Subsection
 44-17 (b-1)(2) in a criminal proceeding.

44-18 SECTION 62. Section 411.1408, Government Code, is amended
 44-19 by amending Subsections (b) and (c) and adding Subsections (b-1)
 44-20 and (d) to read as follows:

44-21 (b) The commission is entitled to obtain [~~from the~~
 44-22 ~~department]~~ criminal history record information as provided by
 44-23 Subsection (b-1) [~~maintained by the department]~~ that relates to a
 44-24 person who is an applicant for or the holder of a certificate,
 44-25 registration, or license issued by the commission or otherwise
 44-26 under Subtitle L, Title 2.

44-27 (b-1) Subject to Section 411.087 and consistent with the
 44-28 public policy of this state, the commission is entitled to:

44-29 (1) obtain through the Federal Bureau of Investigation
 44-30 criminal history record information maintained or indexed by that
 44-31 bureau that pertains to a person described by Subsection (b); and

44-32 (2) obtain from the department or any other criminal
 44-33 justice agency in this state criminal history record information
 44-34 maintained by the department or that criminal justice agency that
 44-35 relates to a person described by Subsection (b).

44-36 (c) The commission may not release or disclose to any person
 44-37 criminal history record information obtained from the Federal
 44-38 Bureau of Investigation under Subsection (b-1)(1). Criminal
 44-39 history record information obtained by the commission under
 44-40 Subsection (b-1)(2) [~~(b)~~]:

44-41 (1) may be used by the commission for any purpose
 44-42 related to the issuance, denial, suspension, revocation, or renewal
 44-43 of a certificate, registration, or license issued by the commission
 44-44 or otherwise under Subtitle L, Title 2; and

44-45 (2) may not be released or disclosed to any person
 44-46 except:

44-47 (A) on court order; or

44-48 (B) [~~with the consent of the person who is the~~
 44-49 ~~subject of the information; or~~

44-50 [~~(C)~~] as authorized by Section 411.1386(a-6) of
 44-51 this code or Section 1104.404, Estates Code, if applicable [~~and~~

44-52 [~~(3) shall be destroyed by the commission after the~~
 44-53 ~~information is used for the authorized purposes]~~.

44-54 (d) The commission shall destroy criminal history record
 44-55 information that is obtained under this section after the
 44-56 information is used for its authorized purpose.

44-57 SECTION 63. Section 411.1409, Government Code, is amended
 44-58 by amending Subsections (b), (c), (d), and (e) and adding
 44-59 Subsection (b-1) to read as follows:

44-60 (b) An appellate court is entitled to obtain [~~from the~~
 44-61 ~~department]~~ criminal history record information as provided by
 44-62 Subsection (b-1) [~~maintained by the department]~~ that relates to a
 44-63 person who is an applicant for:

44-64 (1) employment with the court;

44-65 (2) a volunteer position with the court; or

44-66 (3) an appointment made by the court.

44-67 (b-1) Subject to Section 411.087 and consistent with the
 44-68 public policy of this state, the court is entitled to:

44-69 (1) obtain through the Federal Bureau of Investigation

45-1 criminal history record information maintained or indexed by that
45-2 bureau that pertains to a person described by Subsection (b); and
45-3 (2) obtain from the department or any other criminal
45-4 justice agency in this state criminal history record information
45-5 maintained by the department or that criminal justice agency that
45-6 relates to a person described by Subsection (b).

45-7 (c) Criminal history record information obtained by the
45-8 court under this section [~~Subsection (b)~~] may be used only to
45-9 evaluate an applicant.

45-10 (d) The court may not release or disclose to any person
45-11 criminal history record information obtained from the Federal
45-12 Bureau of Investigation under Subsection (b-1)(1). The court may
45-13 not release or disclose information obtained under Subsection
45-14 (b-1)(2) [~~(b)~~] except on order of a district court [~~or with the~~
45-15 consent of the person who is the subject of the criminal history
45-16 record information].

45-17 (e) The [~~After the expiration of any probationary term of~~
45-18 the person's employment, volunteer status, or appointment, the]
45-19 court shall destroy [all] criminal history record information
45-20 obtained under this section after the information is used for its
45-21 authorized purpose [~~Subsection (b)~~].

45-22 SECTION 64. Subchapter F, Chapter 411, Government Code, is
45-23 amended by adding Section 411.14101 to read as follows:

45-24 Sec. 411.14101. ACCESS TO CRIMINAL HISTORY RECORD
45-25 INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this
45-26 section, "office" means the State Office of Administrative
45-27 Hearings.

45-28 (b) The office is entitled to obtain criminal history record
45-29 information as provided by Subsection (c) that relates to a person
45-30 who is:

45-31 (1) an employee of, or an applicant for employment
45-32 with, the office; or

45-33 (2) a contractor, subcontractor, volunteer, or intern
45-34 of the office, or an applicant to serve in one of those capacities.

45-35 (c) Subject to Section 411.087 and consistent with the
45-36 public policy of this state, the office is entitled to:

45-37 (1) obtain through the Federal Bureau of Investigation
45-38 criminal history record information maintained or indexed by that
45-39 bureau that pertains to a person described by Subsection (b); and

45-40 (2) obtain from the department or any other criminal
45-41 justice agency in this state criminal history record information
45-42 maintained by the department or that criminal justice agency that
45-43 relates to a person described by Subsection (b).

45-44 (d) The office may not release or disclose to any person
45-45 criminal history record information obtained from the Federal
45-46 Bureau of Investigation under Subsection (c)(1). Criminal history
45-47 record information obtained by the office under Subsection (c)(2)
45-48 may not be released or disclosed to any person except by court order
45-49 or with the written consent of the person who is the subject of the
45-50 criminal history record information.

45-51 (e) The office shall destroy criminal history record
45-52 information that is obtained under this section after the
45-53 information is used for its authorized purpose.

45-54 SECTION 65. Subchapter F, Chapter 411, Government Code, is
45-55 amended by adding Section 411.14102 to read as follows:

45-56 Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD
45-57 INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The
45-58 Texas Board of Architectural Examiners is entitled to obtain
45-59 criminal history record information as provided by Subsection (b)
45-60 that relates to:

45-61 (1) a person who is:

45-62 (A) an applicant for an architectural
45-63 registration under Chapter 1051, Occupations Code; or

45-64 (B) the holder of an architectural registration
45-65 under that chapter;

45-66 (2) a person who is:

45-67 (A) an applicant for a landscape architectural
45-68 registration under Chapter 1052, Occupations Code; or

45-69 (B) the holder of a landscape architectural

46-1 registration under that chapter; or
 46-2 (3) a person who is:
 46-3 (A) an applicant for an interior design
 46-4 registration under Chapter 1053, Occupations Code; or

46-5 (B) the holder of an interior design registration
 46-6 under that chapter.

46-7 (b) Subject to Section 411.087 of this code and Section
 46-8 1051.3041, Occupations Code, and consistent with the public policy
 46-9 of this state, the Texas Board of Architectural Examiners is
 46-10 entitled to:

46-11 (1) obtain through the Federal Bureau of Investigation
 46-12 criminal history record information maintained or indexed by that
 46-13 bureau that pertains to a person described by Subsection (a); and

46-14 (2) obtain from the department or any other criminal
 46-15 justice agency in this state criminal history record information
 46-16 maintained by the department or that criminal justice agency that
 46-17 relates to a person described by Subsection (a).

46-18 (c) The Texas Board of Architectural Examiners may not
 46-19 release or disclose to any person criminal history record
 46-20 information obtained from the Federal Bureau of Investigation under
 46-21 Subsection (b)(1). Criminal history record information obtained by
 46-22 the Texas Board of Architectural Examiners under Subsection (b)(2)
 46-23 may not be released or disclosed to any person except on court order
 46-24 or as provided by Subsection (d).

46-25 (d) The Texas Board of Architectural Examiners is not
 46-26 prohibited from disclosing criminal history record information
 46-27 obtained under Subsection (b)(2) in a criminal proceeding or in a
 46-28 hearing conducted by the Texas Board of Architectural Examiners or
 46-29 the State Office of Administrative Hearings.

46-30 (e) The Texas Board of Architectural Examiners shall
 46-31 destroy criminal history record information that is obtained under
 46-32 this section after the information is used for its authorized
 46-33 purpose.

46-34 SECTION 66. Sections 301.2511(a) and (c), Occupations Code,
 46-35 are amended to read as follows:

46-36 (a) An applicant for a vocational, registered, or advanced
 46-37 practice registered nurse license must submit to the board, in
 46-38 addition to satisfying the other requirements of this subchapter, a
 46-39 complete and legible set of fingerprints, on a form prescribed by
 46-40 the board, for the purpose of obtaining criminal history record
 46-41 information from the Department of Public Safety and the Federal
 46-42 Bureau of Investigation.

46-43 (c) The board by rule shall develop a system for obtaining
 46-44 criminal history record information for a person accepted for
 46-45 enrollment in a nursing educational program that prepares the
 46-46 person for ~~[initial]~~ licensure as a vocational, registered, or
 46-47 advanced practice registered ~~[or vocational]~~ nurse by requiring the
 46-48 person to submit to the board a set of fingerprints that meets the
 46-49 requirements of Subsection (a). The board may develop a similar
 46-50 system for an applicant for enrollment in a nursing educational
 46-51 program. The board may require payment of a fee by a person who is
 46-52 required to submit a set of fingerprints under this subsection.

46-53 SECTION 67. Section 1101.002, Occupations Code, is amended
 46-54 by adding Subdivision (3-a) to read as follows:

46-55 (3-a) "Easement or right-of-way agent" means a person
 46-56 who sells, buys, leases, or transfers an easement or right-of-way
 46-57 for another, for compensation or with the expectation of receiving
 46-58 compensation, for use in connection with telecommunication,
 46-59 utility, railroad, or pipeline service.

46-60 SECTION 68. Section 1101.501, Occupations Code, is amended
 46-61 to read as follows:

46-62 Sec. 1101.501. CERTIFICATE REQUIRED. A person may not act
 46-63 as an easement or right-of-way agent ~~[sell, buy, lease, or transfer~~
 46-64 ~~an easement or right-of-way for another, for compensation or with~~
 46-65 ~~the expectation of receiving compensation, for use in connection~~
 46-66 ~~with telecommunication, utility, railroad, or pipeline service]~~
 46-67 unless the person:

46-68 (1) holds a license issued under this chapter; or

46-69 (2) holds a certificate of registration issued under

47-1 this subchapter.

47-2 SECTION 69. Section [1101.5041](#), Occupations Code, is amended
47-3 to read as follows:

47-4 Sec. 1101.5041. CRIMINAL HISTORY RECORD INFORMATION
47-5 REQUIREMENT FOR CERTIFICATE. An applicant for an original
47-6 certificate of registration as an easement or right-of-way agent or
47-7 renewal of a certificate of registration as an easement or
47-8 right-of-way agent must comply with the criminal history record
47-9 check requirements of Section [1101.3521](#).

47-10 SECTION 70. Section [2025.251](#), Occupations Code, is amended
47-11 to read as follows:

47-12 Sec. 2025.251. OCCUPATIONAL LICENSE REQUIRED. (a) Except
47-13 as provided by this section, a person, other than as a spectator or
47-14 as a person placing a wager, may not participate in [~~racing with~~]
47-15 pari-mutuel racing activities or wagering without first obtaining a
47-16 license from the commission. A person may not engage in any
47-17 occupation for which commission rules require a license under this
47-18 subtitle without first obtaining a license from the commission.

47-19 (b) The commission [~~by rule~~] shall [~~categorize the~~
47-20 ~~occupations of racetrack employees and~~] determine the occupations
47-21 that afford [~~the employee~~] an opportunity to influence racing with
47-22 pari-mutuel wagering, including individuals who [~~. The rules must~~
47-23 ~~require an employee to be licensed under this subtitle if the~~
47-24 ~~employee~~]:

47-25 (1) work [~~works~~] in an occupation as an employee,
47-26 contractor, or volunteer [~~determined by the commission~~] to afford
47-27 the individual [~~employee~~] an opportunity to influence racing with
47-28 pari-mutuel wagering; or

47-29 (2) will likely have significant access to the
47-30 backside of a racetrack or to restricted areas of the frontside of a
47-31 racetrack.

47-32 (c) Notwithstanding Subsection (b), the following
47-33 individuals require a criminal history background check before an
47-34 occupational license is issued: commissioners, regulatory
47-35 employees and contractors hired by the commission, racetrack
47-36 association employees, training facility employees, and employees
47-37 of either a recognized horseman's organization or licensed
47-38 racehorse owners.

47-39 SECTION 71. The following provisions are repealed:

47-40 (1) Sections [22.0834](#)(g), (i), (k), (m), and (n),
47-41 Education Code;

47-42 (2) Section [22.08341](#), Education Code;

47-43 (3) Sections [1104.403](#), [1104.407](#), [1104.408](#), and
47-44 [1104.410](#), Estates Code;

47-45 (4) Section [411.110](#)(d), Government Code;

47-46 (5) Section [411.122](#)(c), Government Code;

47-47 (6) Sections [411.1386](#)(a-4), (a-5), (d), (f), and (i),
47-48 Government Code; and

47-49 (7) Section [411.13861](#)(f), Government Code.

47-50 SECTION 72. This Act takes effect immediately if it
47-51 receives a vote of two-thirds of all the members elected to each
47-52 house, as provided by Section [39](#), Article III, Texas Constitution.
47-53 If this Act does not receive the vote necessary for immediate
47-54 effect, this Act takes effect September 1, 2023.

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