

1-1 By: Kerwin, et al. (Senate Sponsor - Kolkhorst) H.B. No. 3153
1-2 (In the Senate - Received from the House May 14, 2025;
1-3 May 15, 2025, read first time and referred to Committee on Health &
1-4 Human Services; May 22, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;
1-6 May 22, 2025, sent to printer.)

1-7 COMMITTEE VOTE

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

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 3153 By: Hancock

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

1-21 relating to hiring and employment requirements for persons in
1-22 direct contact with children at certain facilities.

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

1-24 SECTION 1. Subtitle D, Title 9, Health and Safety Code, is
1-25 amended by adding Chapter 811 to read as follows:

1-26 CHAPTER 811. EMPLOYMENT REQUIREMENTS FOR CERTAIN FACILITIES TO
1-27 PREVENT PHYSICAL OR SEXUAL ABUSE OF CHILDREN

1-28 Sec. 811.001. DEFINITIONS. In this chapter:

1-29 (1) "Commission" means the Health and Human Services
1-30 Commission.

1-31 (2) "Department" means the Texas Juvenile Justice
1-32 Department.

1-33 (3) "Facility" means:

1-34 (A) a residential treatment facility or group
1-35 home licensed or otherwise regulated by the commission;

1-36 (B) a juvenile detention facility regulated by
1-37 the department; or

1-38 (C) a shelter operated by or under the authority
1-39 of a county or municipality that provides temporary living
1-40 accommodations for individuals who are homeless.

1-41 Sec. 811.002. APPLICABILITY. This chapter applies only to
1-42 the following governmental entities:

1-43 (1) the commission;

1-44 (2) the department;

1-45 (3) a county; and

1-46 (4) a municipality.

1-47 Sec. 811.003. REQUIRED CRIMINAL HISTORY RECORD INFORMATION
1-48 REVIEW AND EMPLOYMENT VERIFICATION. (a) A governmental entity to
1-49 which this chapter applies shall ensure each facility the entity
1-50 regulates or operates reviews state criminal history record
1-51 information and conducts an employment verification for each
1-52 person:

1-53 (1) who is:

1-54 (A) an applicant selected for employment with the
1-55 facility;

1-56 (B) an employee of the facility;

1-57 (C) an applicant selected for a volunteer
1-58 position with the facility;

1-59 (D) a volunteer with the facility;

1-60 (E) an applicant selected for an independent

2-1 contractor position with the facility; or
2-2 (F) an independent contractor of the facility;
2-3 and
2-4 (2) who may be placed in direct contact with a child
2-5 receiving services at the facility.

2-6 (b) For purposes of Subsection (a)(2), a person may be
2-7 placed in direct contact with a child if the person's position
2-8 potentially requires the person to:

- 2-9 (1) provide care, supervision, or guidance to a child;
- 2-10 (2) exercise any form of control over a child; or
- 2-11 (3) routinely interact with a child.

2-12 (c) In conducting an employment verification under
2-13 Subsection (a), the facility must, to the extent possible, contact
2-14 the previous employers listed in the submitted application
2-15 materials for each applicant.

2-16 (d) Each facility shall obtain electronic updates from the
2-17 Department of Public Safety of arrests and convictions for each
2-18 person:

- 2-19 (1) described by Subsection (a)(1)(B), (D), or (F);
- 2-20 and
- 2-21 (2) who continues as an employee, volunteer, or
2-22 independent contractor or who otherwise continues to be placed in
2-23 direct contact with a child at the facility.

2-24 (e) A facility that submits a name for a background and
2-25 criminal history check in accordance with Section 42.056, Human
2-26 Resources Code, and rules adopted under that section for each
2-27 person described by Subsection (a) is considered to be in
2-28 compliance with the requirements of this section.

2-29 (f) The executive commissioner of the commission may adopt
2-30 rules as necessary to implement this section, including rules on
2-31 existing employment verification procedures for residential
2-32 treatment facilities that satisfy the requirements of this section.

2-33 Sec. 811.004. EFFECT OF CERTAIN CRIMINAL CONVICTIONS. (a)
2-34 A facility may not offer a person an employment, volunteer, or
2-35 independent contractor position and must terminate the person's
2-36 position if, based on a criminal history record information review,
2-37 an employment verification, or a background and criminal history
2-38 check conducted in accordance with Section 42.056, Human Resources
2-39 Code, of that person, the facility discovers the person engaged in
2-40 physical or sexual abuse of a child constituting an offense under
2-41 Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

2-42 (b) A separation agreement for a facility employee,
2-43 volunteer, or independent contractor may not include a provision
2-44 that prohibits disclosure to a prospective employer of conduct
2-45 constituting an offense under Section 21.02, 22.011, 22.021, or
2-46 25.02, Penal Code.

2-47 Sec. 811.005. TRAINING REQUIREMENTS. A facility must
2-48 provide training to each employee, volunteer, or independent
2-49 contractor who may be placed in direct contact with a child. The
2-50 training must include:

- 2-51 (1) recognition of the signs of physical and sexual
2-52 abuse and reporting requirements for suspected physical and sexual
2-53 abuse;
- 2-54 (2) the facility's policies related to reporting of
2-55 physical and sexual abuse; and
- 2-56 (3) methods for maintaining professional and
2-57 appropriate relationships with children.

2-58 SECTION 2. Section 811.004(b), Health and Safety Code, as
2-59 added by this Act, applies only to an agreement entered into on or
2-60 after the effective date of this Act.

2-61 SECTION 3. This Act takes effect September 1, 2025.

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