

CHAPTER 422

S.B. No. 523

An Act relating to the authority of the governing board of the Texas School for the Deaf to obtain criminal history information records from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency; to the custody, use, and disposition of the information; and to the offense of unauthorized disclosure of criminal history information records; providing a penalty; adding Section 11.033 to Chapter 11, Education Code.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Chapter 11, Education Code, is amended by adding Section 11.033 to read as follows:

**“Section 11.033. ACCESS TO CRIMINAL HISTORY INFORMATION RECORDS.** (a) *The governing board of the Texas School for the Deaf is entitled to obtain criminal history information records maintained by the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency to investigate:*

*“(1) an employee of the Texas School for the Deaf who is engaged in the direct delivery of care to children on the date the board implements this Act; or*

*“(2) a person applying for a position with the school, the duties of which include direct delivery of care to children.*

*“(b) The school may not use the authority granted under this section to harass an employee. The board shall adopt rules to prevent the harassment of an employee through the request and use of criminal records.*

*“(c) The board shall establish a uniform method of obtaining criminal history information records. The uniform method must require the board to submit to the Department of Public Safety or to another law enforcement agency either a complete set of fingerprints or the complete name of each person being investigated. If the board submits the fingerprints of a person being investigated and relevant information is not obtained at the state or local law enforcement agency level, the board may submit the fingerprints to the Federal Bureau of Investigation identification division.*

*“(d) A law enforcement agency may not provide to the board the criminal history information records of a person being investigated unless the criminal history information records relate to:*

*“(1) a felony or misdemeanor classified as an offense against the person or the family;*

*“(2) a felony or misdemeanor classified as public indecency; or*

*“(3) a felony violation of any statute intended to control the possession or distribution of a substance included in the Texas Controlled Substances Act (Article 4476-15, Vernon’s Texas Civil Statutes).*

*“(e) The board may release information obtained under this section to:*

*“(1) the superintendent of the school; and*

*“(2) the person being investigated.*

*“(f) All criminal history information records received by the board are privileged information and are for the exclusive use of the board and those persons authorized under this section to receive the information. Except on court order or with the consent of the person being investigated, the records may not be released to any other person or agency. The board shall destroy the criminal history information records after the records are used for the purposes authorized by this section.*

*“(g) A person commits an offense if the person releases or discloses any information received under this section without the authorization prescribed by Subsection (f) of this section. An offense under this subsection is a Class A misdemeanor.*

*“(h) The board shall adopt rules governing the custody and use of information obtained under this section.”*

**SECTION 2.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on March 4, 1985, by a viva-voce vote; passed the House on May 22, 1985, by a non-record vote.

Approved: June 11, 1985

Effective: August 26, 1985