

## CHAPTER 997

## H.B. No. 847

## AN ACT

relating to access to criminal history information records by the Department of Protective and Regulatory Services.

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

SECTION 1. Section 22.006(a), Human Resources Code, is amended to read as follows:

(a) *Subject to the availability of funds appropriated by the legislature, the [The] department 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) owners and employees of, and applicants for employment at, a child-care facility licensed, registered, or certified or applying for a license, registration, or certification under Chapter 42 of this code;

(2) residents of a registered family home, excluding children in the home's care and the parents of the children;

(3) a person providing or applying to provide adoptive or foster care for children in the care of the department *and other adults living with that person in the residence in which the child will reside;*

(4) a department employee who is engaged in the direct delivery of protective services to children, *elderly persons, or persons with a disability* on the date the department implements this section;

(5) a person applying for a position with the department, the duties of which include direct delivery of protective services to children, *elderly persons, or persons with a disability;*

(6) a volunteer or person applying as a volunteer with a local affiliate in this state of Big Brothers/Big Sisters of America or of a program known as "I Have a Dream/Houston";

(7) a person employed by a business entity which provides in-home respite care of children with temporary illnesses;

(8) a person employed by a home health agency; ~~or~~

(9) a volunteer or person applying as a volunteer with an organization which provides court-appointed special advocates for abused or neglected children;

(10) *a person who is the subject of a report the department receives alleging that the person has abused or neglected a child, elderly persons, or persons with a disability, provided that report has proven to have merit after investigation; or*

(11) *a relative providing or applying to provide in-home care for a child in the care of the department and other adults living with that relative in the residence in which the child will reside.*

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, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 23, 1993, by a non-record vote; passed by the Senate on May 29, 1993: Yeas 31, Nays 0.

Approved June 19, 1993.

Effective Aug. 30, 1993, 90 days after date of adjournment.