

CHAPTER 356

H.B. No. 1483

AN ACT

relating to the destruction of criminal history information obtained by institutions of higher education when filling security-sensitive positions.

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

SECTION 1. Section 51.215(d), Education Code, is amended to read as follows:

(d) All conviction data received by an institution of higher education shall be for the exclusive use of that institution, and shall be privileged and confidential and shall not be released or otherwise disclosed to any other person or agency except on court order. *After the expiration of the probationary term of employment, all criminal history information relating to the application shall be destroyed by the chief of police.* ~~Immediately following the employment decision of the department with respect to the applicant, all such conviction data relating to the application shall be collected and sealed, forwarded to the custody of the president of the institution and not opened or released for any purpose except upon the order of a court of competent jurisdiction.~~ Any unauthorized release of such conviction data for any purpose shall constitute official misconduct and shall invoke the penalties established for disclosure of confidential information in Section 10(e) of the open records act, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

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 May 22, 1987, by the following vote: Yeas 148, Nays 0, 1 present, not voting. Passed by the Senate on May 29, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 11, 1987.

Effective June 11, 1987.