

## CHAPTER 710

## H.B. No. 353

## AN ACT

relating to the authority of the governing board of the Texas School for the Blind to obtain criminal history information records to investigate certain employees; providing a penalty.

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

SECTION 1. Subchapter A, Chapter 11, Education Code, is amended by adding Section 11.064 to read as follows:

*Sec. 11.064. ACCESS TO CRIMINAL HISTORY INFORMATION RECORDS. (a) The governing board of the Texas School for the Blind may obtain criminal history information records from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency to investigate:*

*(1) an employee of the school who is engaged in the direct delivery of care to children on the date the board implements this section; or*

*(2) a person who applies for a position with the school that includes the 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 school may discharge from employment an employee of the school who is engaged in the direct delivery of care to children on the effective date of this section who fails to provide a complete set of fingerprints on request. The school may deny employment to a person who applies for a position with the school that includes the direct delivery of care to children who fails to provide a complete set of fingerprints on request.*

*(d) All criminal history information records received by the board are privileged information. Except on court order or as provided in Subsections (e) and (f) of this section, the board may not release or otherwise disclose the records to any other person or agency.*

*(e) The board may release to the superintendent of the school information obtained under this section that relates 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).*

*(f) Neither the board or the superintendent of the school may provide an applicant or employee with a copy of the applicant's or employee's criminal history information records obtained under this section. However, the board or the superintendent of the*

*school may disclose to an applicant or employee the dates and places of arrest, the offenses, and the dispositions contained in the applicant's or employee's criminal history information records.*

*(g) A person commits an offense if the person releases or discloses any information received under this section except as provided by Subsection (e) or (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, 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 5, 1987, by a non-record vote. Passed by the Senate on May 27, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.