

1 (b) The department may release or disclose criminal history
2 record information obtained or used by the department for a purpose
3 described by Subsection (a) to another person or agency only:

4 (1) in a criminal proceeding;
5 (2) in a hearing conducted by the department;
6 (3) under an order from a court; or
7 (4) with the consent of the person who is the subject
8 of the criminal history record information.

9 (c) This section may not be construed to limit the authority
10 of the department to disseminate criminal history record
11 information as provided by Section 411.083.

12 SECTION 9.02. This article takes effect immediately if this
13 Act receives a vote of two-thirds of all the members elected to each
14 house, as provided by Section 39, Article III, Texas Constitution.
15 If this Act does not receive the vote necessary for immediate
16 effect, this article takes effect September 1, 2009.

17 ARTICLE 9A. DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION
18 REGARDING PUBLIC SCHOOL EMPLOYEES

19 SECTION 9A.01. Section 411.084, Government Code, is amended
20 by amending Subsection (a) and adding Subsections (a-1) and (c) to
21 read as follows:

22 (a) Criminal history record information obtained from the
23 department under this subchapter, including any identification
24 information that could reveal the identity of a person about whom
25 criminal history record information is requested and information
26 that directly or indirectly indicates or implies involvement of a
27 person in the criminal justice system:

1 (1) is for the exclusive use of the authorized
2 recipient of the information; and

3 (2) may be disclosed or used by the recipient only if,
4 and only to the extent that, disclosure or use is authorized or
5 directed by:

6 (A) this subchapter;

7 (B) another statute;

8 (C) a rule adopted under a statute; or

9 (D) an order of a court of competent
10 jurisdiction.

11 (a-1) The term "criminal history record" information under
12 Subsection (a) does not refer to any specific document produced to
13 comply with this subchapter but to the information contained,
14 wholly or partly, in a document's original form or any subsequent
15 form or use.

16 (c) An agency or individual may not confirm the existence or
17 nonexistence of criminal history record information to any person
18 that is not eligible to receive the information.

19 SECTION 9A.02. Sections 411.090(b) and (c), Government Code,
20 are amended to read as follows:

21 (b) Criminal history record information obtained by the
22 board in the original form or any subsequent form [~~under Subsection~~
23 ~~(a)~~]:

24 (1) may be used only for a [~~any~~] purpose related to the
25 issuance, denial, suspension, or cancellation of a certificate
26 issued by the board;

27 (2) may not be released to any person except:

1 (A) the person who is the subject of the
2 information;

3 (B) the Texas Education Agency;

4 (C) a local or regional educational entity as
5 provided by Section 411.097; or

6 (D) by ~~an~~ court order ~~[or with the consent of~~
7 ~~the applicant for a certificate]; [and]~~

8 (3) is not subject to disclosure as provided by
9 Chapter 552; and

10 (4) shall be destroyed by the board after the
11 information is used for the authorized purposes.

12 (c) The department shall notify the State Board for Educator
13 Certification of the arrest of any educator, as defined by Section
14 5.001, Education Code, who has fingerprints on file with the
15 department. Any record of the notification and any information
16 contained in the notification is not subject to disclosure as
17 provided by Chapter 552.

18 SECTION 9A.03. Section 411.0901, Government Code, is
19 amended to read as follows:

20 Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD
21 INFORMATION: TEXAS EDUCATION AGENCY. (a) The Texas Education
22 Agency is entitled to obtain criminal history record information
23 maintained by the department about a person who:

24 (1) is employed or is an applicant for employment by a
25 school district or open-enrollment charter school;

26 (2) is employed or is an applicant for employment by a
27 shared services arrangement, if the employee's or applicant's

1 duties are or will be performed on school property or at another
2 location where students are regularly present; or

3 (3) is employed or is an applicant for employment by an
4 entity that contracts with a school district, open-enrollment
5 charter school, or shared services arrangement if:

6 (A) the employee or applicant has or will have
7 continuing duties relating to the contracted services; and

8 (B) the employee or applicant has or will have
9 direct contact with students.

10 (b) Criminal history record information obtained by the
11 agency in the original form or any subsequent form:

12 (1) may be used only for a purpose authorized by the
13 Education Code;

14 (2) may not be released to any person except:

15 (A) the person who is the subject of the
16 information;

17 (B) the State Board for Educator Certification;

18 (C) a local or regional educational entity as
19 provided by Section 411.097; or

20 (D) by court order;

21 (3) is not subject to disclosure as provided by
22 Chapter 552; and

23 (4) shall be destroyed by the agency after the
24 information is used for the authorized purposes.

25 SECTION 9A.04. Section 411.097, Government Code, is amended
26 by amending Subsection (d) and adding Subsection (f) to read as
27 follows:

1 (d) Criminal history record information obtained by a
2 school district, charter school, private school, service center,
3 commercial transportation company, or shared services arrangement
4 in the original form or any subsequent form:

5 (1) [~~under Subsection (a), (b), or (c)~~] may not be
6 released [~~or disclosed~~] to any person except:

7 (A) [~~other than~~] the individual who is the
8 subject of the information;

9 (B) [~~7~~] the Texas Education Agency;

10 (C) [~~7~~] the State Board for Educator
11 Certification;

12 (D) [~~7~~ or] the chief personnel officer of the
13 transportation company, if the information is obtained under
14 Subsection (a)(2); or

15 (E) by court order;

16 (2) is not subject to disclosure as provided by
17 Chapter 552; and

18 (3) shall be destroyed by the school district, charter
19 school, private school, service center, commercial transportation
20 company, or shared services arrangement on the earlier of:

21 (A) the first anniversary of the date the
22 information was originally obtained; or

23 (B) the date the information is used for the
24 authorized purpose.

25 (f) An employee of a school district, charter school,
26 private school, regional education service center, commercial
27 transportation company, or education shared services arrangement

1 or an entity that contracts to provide services to a school
2 district, charter school, or shared services arrangement may
3 request from the employer a copy of any criminal history record
4 information relating to that employee that the employer has
5 obtained as provided by Subchapter C, Chapter 22, Education Code.
6 The employer may charge a fee to an employee requesting a copy of
7 the information in an amount not to exceed the actual cost of
8 copying the requested criminal history record information.

9 SECTION 9A.05. Subchapter C, Chapter 22, Education Code, is
10 amended by adding Section 22.08391 to read as follows:

11 Sec. 22.08391. CONFIDENTIALITY OF INFORMATION. (a)
12 Information collected about a person to comply with this
13 subchapter, including the person's name, address, phone number,
14 social security number, driver's license number, other
15 identification number, and fingerprint records:

16 (1) may not be released except:
17 (A) to comply with this subchapter;
18 (B) by court order; or
19 (C) with the consent of the person who is the
20 subject of the information;

21 (2) is not subject to disclosure as provided by
22 Chapter 552, Government Code; and

23 (3) shall be destroyed by the requestor or any
24 subsequent holder of the information not later than the first
25 anniversary of the date the information is received.

26 (b) Any criminal history record information received by the
27 State Board for Educator Certification as provided by this

1 subchapter is subject to Section 411.090(b), Government Code.

2 (c) Any criminal history record information received by the
3 agency as provided by this subchapter is subject to Section
4 411.0901(b), Government Code.

5 (d) Any criminal history record information received by a
6 school district, charter school, private school, regional
7 education service center, commercial transportation company, or
8 education shared services arrangement or an entity that contracts
9 to provide services to a school district, charter school, or shared
10 services arrangement as provided by this subchapter is subject to
11 Section 411.097(d), Government Code.

12 SECTION 9A.06. The change in law made by this article
13 applies to information collected, assembled, or maintained before,
14 on, or after the effective date of this article.

15 ARTICLE 10. COLLECTION, MAINTENANCE, AND TRANSFER AND OTHER
16 DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION AND JUVENILE
17 JUSTICE INFORMATION

18 SECTION 10.01. Section 411.042(b), Government Code, as
19 amended by Chapters 70 (H.B. 76), 1306 (S.B. 839), and 1372 (S.B.
20 9), Acts of the 80th Legislature, Regular Session, 2007, is
21 reenacted and amended to read as follows:

22 (b) The bureau of identification and records shall:

23 (1) procure and file for record photographs, pictures,
24 descriptions, fingerprints, measurements, and other pertinent
25 information of all persons arrested for or charged with a criminal
26 offense or convicted of a criminal offense, regardless of whether
27 the conviction is probated;