HEALTH AND SAFETY CODE

TITLE 9. SAFETY

SUBTITLE D. INTERAGENCY SAFETY INITIATIVES

CHAPTER 811. EMPLOYMENT REQUIREMENTS FOR CERTAIN FACILITIES TO PREVENT PHYSICAL OR SEXUAL ABUSE OF CHILDREN

Sec. 811.001.  DEFINITIONS.  In this chapter:

(1)  "Commission" means the Health and Human Services Commission.

(2)  "Department" means the Texas Juvenile Justice Department.

(3)  "Facility" means:

(A)  a residential treatment facility or group home licensed or otherwise regulated by the commission;

(B)  a juvenile detention facility regulated by the department; or

(C)  a shelter operated by or under the authority of a county or municipality that provides temporary living accommodations for individuals who are homeless.

Added by Acts 2025, 89th Leg., R.S., Ch. 614 (H.B. [3153](http://capitol.texas.gov/tlodocs/89R/billtext/html/HB03153F.HTM)), Sec. 1, eff. September 1, 2025.

Sec. 811.002.  APPLICABILITY.  This chapter applies only to the following governmental entities:

(1)  the commission;

(2)  the department;

(3)  a county; and

(4)  a municipality.

Added by Acts 2025, 89th Leg., R.S., Ch. 614 (H.B. [3153](http://capitol.texas.gov/tlodocs/89R/billtext/html/HB03153F.HTM)), Sec. 1, eff. September 1, 2025.

Sec. 811.003.  REQUIRED CRIMINAL HISTORY RECORD INFORMATION REVIEW AND EMPLOYMENT VERIFICATION. (a)  A governmental entity to which this chapter applies shall ensure each facility the entity regulates or operates reviews state criminal history record information and conducts an employment verification for each person:

(1)  who is:

(A)  an applicant selected for employment with the facility;

(B)  an employee of the facility;

(C)  an applicant selected for a volunteer position with the facility;

(D)  a volunteer with the facility;

(E)  an applicant selected for an independent contractor position with the facility; or

(F)  an independent contractor of the facility; and

(2)  who may be placed in direct contact with a child receiving services at the facility.

(b)  For purposes of Subsection (a)(2), a person may be placed in direct contact with a child if the person's position potentially requires the person to:

(1)  provide care, supervision, or guidance to a child;

(2)  exercise any form of control over a child; or

(3)  routinely interact with a child.

(c)  In conducting an employment verification under Subsection (a), the facility must, to the extent possible, contact the previous employers listed in the submitted application materials for each applicant.

(d)  Each facility shall obtain electronic updates from the Department of Public Safety of arrests and convictions for each person:

(1)  described by Subsection (a)(1)(B), (D), or (F); and

(2)  who continues as an employee, volunteer, or independent contractor or who otherwise continues to be placed in direct contact with a child at the facility.

(e)  A facility that submits a name for a background and criminal history check in accordance with Section 42.056, Human Resources Code, and rules adopted under that section for each person  described by Subsection (a) is considered to be in compliance with the requirements of this section.

(f)  The executive commissioner of the commission may adopt rules as necessary to implement this section, including rules on existing employment verification procedures for residential treatment facilities that satisfy the requirements of this section.

Added by Acts 2025, 89th Leg., R.S., Ch. 614 (H.B. [3153](http://capitol.texas.gov/tlodocs/89R/billtext/html/HB03153F.HTM)), Sec. 1, eff. September 1, 2025.

Sec. 811.004.  EFFECT OF CERTAIN CRIMINAL CONVICTIONS. (a) A facility may not offer a person an employment, volunteer, or independent contractor position and must terminate the person's position if, based on a criminal history record information review, an employment verification, or a background and criminal history check conducted in accordance with Section 42.056, Human Resources Code, of that person, the facility discovers the person engaged in physical or sexual abuse of a child  constituting an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

(b)  A separation agreement for a facility employee, volunteer, or independent contractor may not include a provision that prohibits disclosure to a prospective employer of conduct constituting an offense under Section 21.02, 22.011, 22.021, or 25.02, Penal Code.

Added by Acts 2025, 89th Leg., R.S., Ch. 614 (H.B. [3153](http://capitol.texas.gov/tlodocs/89R/billtext/html/HB03153F.HTM)), Sec. 1, eff. September 1, 2025.

Sec. 811.005.  TRAINING REQUIREMENTS.  A facility must provide training to each employee, volunteer, or independent contractor who may be placed in direct contact with a child. The training must include:

(1)  recognition of the signs of physical and sexual abuse and reporting requirements for suspected physical and sexual abuse;

(2)  the facility's policies related to reporting of physical and sexual abuse; and

(3)  methods for maintaining professional and appropriate relationships with children.

Added by Acts 2025, 89th Leg., R.S., Ch. 614 (H.B. [3153](http://capitol.texas.gov/tlodocs/89R/billtext/html/HB03153F.HTM)), Sec. 1, eff. September 1, 2025.