GOVERNMENT CODE

TITLE 4. EXECUTIVE BRANCH

SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION

CHAPTER 411. DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS

SUBCHAPTER A. GENERAL PROVISIONS AND ADMINISTRATION

Sec. 411.001. DEFINITIONS. In this chapter:

(1) "Commission" means the Public Safety Commission.

(2) "Department" means the Department of Public Safety of the State of Texas.

(3) "Director" means the public safety director.

(4) "Internet" means the largest nonproprietary nonprofit cooperative public computer network, popularly known as the Internet.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 791, Sec. 1, eff. June 18, 1999.

Sec. 411.0011. CERTAIN LOCAL GOVERNMENT CORPORATIONS ENGAGED IN CRIMINAL IDENTIFICATION ACTIVITIES. For purposes of this chapter, a reference to "criminal justice agency" includes a local government corporation created under Subchapter D, Chapter 431, Transportation Code, for governmental purposes relating to criminal identification activities, including forensic analysis, that allocates a substantial part of its annual budget to those criminal identification activities.

Added by Acts 2013, 83rd Leg., R.S., Ch. 782 (S.B. 1238), Sec. 5, eff. June 14, 2013.

Sec. 411.002. DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF TEXAS. (a) The Department of Public Safety of the State of Texas is an agency of the state to enforce the laws protecting the public safety and provide for the prevention and detection of crime. The department is composed of the Texas Rangers, the Homeland Security Division, the Texas Highway Patrol, the administrative division, and other divisions that the commission considers necessary.

(b) The department shall have its principal office and

headquarters in Austin.

(c) The Department of Public Safety of the State of Texas is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and Subsections (a) and (b) expire September 1, 2031.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 4, Sec. 2.19(a), eff. Sept. 1, 1989; Acts 1991, 72nd Leg., 1st C.S., ch. 17, Sec. 1.23, eff. Nov. 12, 1991; Acts 1993, 73rd Leg., ch. 790, Sec. 1, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1169, Sec. 4.03, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1189, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.01, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1232 (S.B. 652), Sec. 4.01, eff. June 17, 2011.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 1.001, eff. September 1, 2019.

Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 1, eff. September 1, 2025.

Sec. 411.003. PUBLIC SAFETY COMMISSION. (a) The Public Safety Commission controls the department.

(b) The commission is composed of five citizens of this state appointed by the governor with the advice and consent of the senate. Members must be selected because of their peculiar qualifications for the position and must reflect the diverse geographic regions and population groups of this state. Members must have and maintain a secret security clearance granted by the United States government. A member may serve on the commission upon the granting of an interim secret security clearance, but may not be given access to classified information, participate in a briefing involving classified information, or vote on an issue involving classified information until a secret security clearance has been finally approved by the United States government. Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national

origin. In making an appointment the governor shall consider, among other things, the person's knowledge of laws, experience in the enforcement of law, honesty, integrity, education, training, and executive ability.

(c) Members serve staggered six-year terms with the terms of either one or two members expiring January 1 of each even-numbered year.

(d) The governor shall designate one member of the commission as chairman of the commission to serve in that capacity at the pleasure of the governor. The commission shall meet at the times and places specified by commission rule or at the call of the chairman. The chairman shall oversee the preparation of an agenda for each meeting and ensure that a copy is provided to each member at least seven days before the meeting.

(e) A member serves without compensation for service on the commission but is entitled to per diem for expenses as provided by the General Appropriations Act.

(f) The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 790, Sec. 2, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 258 (S.B. 11), Sec. 20.01, eff. September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 120 (S.B. 1814), Sec. 1, eff. May 18, 2013.

Sec. 411.0031. TRAINING FOR COMMISSION MEMBERS. (a) A person who is appointed to and qualifies for office as a member of the commission may not vote, deliberate, or be counted as a member in attendance at a meeting of the commission until the person completes a training program that complies with this section.

(b) The training program must provide the person with information regarding:

(1) the law governing the department's operations;

(2) the programs, functions, rules, and budget of the department;

(3) the scope of and limitations on the rulemaking authority of the commission;

(4) the results of the most recent formal audit of the department;

(5) the requirements of:

(A) laws relating to open meetings, public information, administrative procedure, and disclosing conflicts of interest; and

(B) other laws applicable to members of the commission in performing their duties; and

(6) any applicable ethics policies adopted by the department or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement, as provided by the General Appropriations Act, for the travel expenses incurred in attending the training program regardless of whether the attendance at the program occurs before or after the person qualifies for office.

(d) The director shall create a training manual that includes the information required by Subsection (b). The director shall distribute a copy of the training manual annually to each member of the commission. Each member of the commission shall sign and submit to the director a statement acknowledging that the member received and has reviewed the training manual.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 3, eff. Sept. 1, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 1.002, eff. September 1, 2019.

Sec. 411.0035. MEMBER AND GENERAL COUNSEL RESTRICTION. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be a member of the commission and may not be a department employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association in the field of law enforcement or private security; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of law enforcement or private security.

(c) A person may not be a member of the commission or act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 4, eff. Sept. 1, 1993.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.02, eff. September 1, 2009.

Sec. 411.0036. REMOVAL OF COMMISSION MEMBER. (a) It is a ground for removal from the commission if a member:

(1) does not have at the time of appointment the qualifications required by Section 411.003;

(2) does not maintain during service on the commission the qualifications required by Section 411.003;

(3) violates a prohibition established by Section 411.0035;

(4) cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or

(5) is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission.

(b) The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.

(c) If the director has knowledge that a potential ground for removal exists, the director shall notify the chairman of the commission of the potential ground. The chairman shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the chairman, the director shall notify the member with the longest tenure on the commission, other than the chairman, who shall then notify the governor and the attorney general that a potential ground for removal exists.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 5, eff. Sept. 1, 1993. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 2, eff. Sept. 1, 1999.

Sec. 411.004. DUTIES AND POWERS OF COMMISSION. The commission shall:

(1) formulate plans and policies for:

(A) enforcement of state criminal, traffic, and safety laws;

(B) prevention of crime;

(C) detection and apprehension of persons who violate laws; and

(D) education of citizens of this state in the promotion of public safety and the observance of law;

(2) organize the department and supervise its operation;

(3) adopt rules considered necessary for carrying out the department's work;

(4) maintain records of all proceedings and official orders; and

(5) biennially submit a report of its work to the governor and legislature, including the commission's and director's recommendations.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 790, Sec. 3, eff. Sept. 1, 1993; Acts

1999, 76th Leg., ch. 1189, Sec. 3, eff. Sept. 1, 1999.

Sec. 411.0041. OPEN MEETINGS EXCEPTION: CRIMINAL INVESTIGATIONS. A discussion or deliberation of the commission regarding an ongoing criminal investigation, including a vote to issue a directive or take other action regarding the investigation, is not subject to the open meetings law, Chapter 551.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 3, eff. Sept. 1, 1999.

Sec. 411.0042. DIVISION OF RESPONSIBILITIES. The commission shall develop and implement policies that clearly separate the policymaking responsibilities of the commission and the management responsibilities of the director and the staff of the department.

Added by Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.03, eff. September 1, 2009.

Sec. 411.0043. TECHNOLOGY POLICY; REVIEW. (a) The commission shall implement a policy requiring the department to use appropriate technological solutions to improve the department's ability to perform its functions. The policy must ensure that the public is able to interact with the department on the Internet.

(b) The department shall periodically:

(1) review the department's existing information technology system to determine whether:

(A) the system's security should be upgraded; and

(B) the system provides the department with the best ability to monitor and investigate criminal activity on the Internet; and

(2) make any necessary improvements to the department's information technology system.

Added by Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.04, eff. September 1, 2009.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 5, eff. September 1, 2015.

Sec. 411.0044. NEGOTIATED RULEMAKING AND ALTERNATIVE DISPUTE RESOLUTION. (a) The commission shall develop and implement a policy to encourage the use of:

(1) negotiated rulemaking procedures under Chapter 2008 for the adoption of department rules; and

(2) appropriate alternative dispute resolution procedures under Chapter 2009 to assist in the resolution of internal and external disputes under the department's jurisdiction.

(b) The department's procedures relating to alternative dispute resolution must conform, to the extent possible, to any model guidelines issued by the State Office of Administrative Hearings for the use of alternative dispute resolution by state agencies.

(c) The commission shall designate a trained person to:

(1) coordinate the implementation of the policy adopted under Subsection (a);

(2) serve as a resource for any training needed to implement the procedures for negotiated rulemaking or alternative dispute resolution; and

(3) collect data concerning the effectiveness of those procedures, as implemented by the department.

Added by Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.05, eff. September 1, 2009.

Sec. 411.0045. PHYSICAL FITNESS PROGRAMS. The commission shall adopt:

(1) physical fitness programs in accordance with Section 614.172; and

(2) a resolution certifying that the programs adopted under Subdivision (1) are consistent with generally accepted scientific standards and meet all applicable requirements of state and federal labor and employment law.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 1.003, eff. September 1, 2019.

Sec. 411.005. DIRECTOR, DEPUTY DIRECTORS, AND ASSISTANT

DIRECTORS. (a) The commission shall appoint a citizen of the United States as public safety director. The director serves until removed by the commission.

(b) The director may appoint, with the advice and consent of the commission, deputy directors and assistant directors who shall perform the duties that the director designates. Deputy directors and assistant directors serve until removed by the director.

(c) The commission shall select the director, and the director shall select deputy directors and assistant directors, on the basis of the person's training, experience, and qualifications for the position. The director, deputy directors, and assistant directors are entitled to annual salaries as provided by the legislature.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 4, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.06, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.07, eff. September 1, 2009.

Sec. 411.006. DUTIES OF DIRECTOR. (a) The director shall:

(1) be directly responsible to the commission for the conduct of the department's affairs;

(2) act as executive director of the department;

(3) act with the commission in an advisory capacity, without vote;

(4) adopt rules, subject to commission approval, considered necessary for the control of the department;

(5) issue commissions as law enforcement officers, under the commission's direction, to all members of the Texas Rangers and the Texas Highway Patrol and to other officers of the department;

(6) appoint, with the advice and consent of the commission, the head of a division or bureau provided for by this chapter;

(7) quarterly, annually, and biennially submit to the

commission detailed reports of the operation of the department, including statements of its expenditures; and

(8) prepare, swear to, submit to the governor, and file in the department's records a quarterly statement containing an itemized list of all money received and its source and all money spent and the purposes for which it was spent.

(b) The director or the director's designee shall provide to members of the commission and to department employees, as often as necessary, information regarding the requirements for office or employment under this chapter, including information regarding a person's responsibilities under applicable laws relating to standards of conduct for state officers or employees.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 5, eff. Sept. 1, 1999.

Sec. 411.007. OFFICERS AND EMPLOYEES. (a) Subject to the provisions of this chapter, the director may appoint, promote, reduce, suspend, or discharge any officer or employee of the department.

(b) Appointment or promotion of an officer or employee must be based on merit determined under commission rules that take into consideration the applicant's age and physical condition, if appropriate and to the extent allowed under federal law, and that take into consideration the applicant's experience and education. For promotions of commissioned officers, other than those positions covered under Section 411.0071, the department, with the advice and consent of the commission, shall establish processes to be consistently applied and based on merit. Each person who has an application on file for a position in the department for which an applicant must take an examination shall be given reasonable written notice of the time and place of those examinations.

(c) An applicant for a position in the department must be a United States citizen. An applicant may not be questioned regarding the applicant's political affiliation or religious faith or beliefs. The department may not prohibit an officer or employee of the department, while off duty and out of uniform, from placing a bumper sticker endorsing political activities or a candidate for

political office on a personal vehicle, placing a campaign sign in the person's private yard, making a political contribution, or wearing a badge endorsing political activities or a candidate. An officer commissioned by the department may not be suspended, terminated, or subjected to any form of discrimination by the department because of the refusal of the officer to take a polygraph examination. Section 411.0074 does not authorize the department to require an officer commissioned by the department to take a polygraph examination.

(d) At least annually the heads of the divisions and bureaus, after due investigation, shall make a report to the director of the efficiency of each employee within the division or bureau. These reports shall be kept in the department's permanent files and shall be given proper consideration in all matters of promotion and discharge.

(e) An officer or employee of the department may not be discharged without just cause. The director shall determine whether an officer or employee is to be discharged. A commissioned officer ordered discharged may appeal to the commission, and during the appeal the officer shall be suspended without pay.

(e-1) Except as provided by Subsection (g), the department may not discharge, suspend, or demote a commissioned officer except for the violation of a specific commission rule. If the department discharges, suspends, or demotes the officer, the department shall deliver to the officer a written statement giving the reasons for the action taken. The written statement must point out each commission rule alleged to have been violated by the officer and must describe the alleged acts of the officer that the department contends are in violation of the commission rules.

(e-2) The commission shall establish necessary policies and procedures for the appointment, promotion, reduction, suspension, and discharge of all employees.

(f) A discharged commissioned officer is entitled, on application to the commission, to a public hearing before the commission, who shall affirm or set aside the discharge. The commission shall affirm or set aside a discharge on the basis of the evidence presented. If the commission affirms the discharge, the

discharged officer may seek judicial review, not later than the 90th day after the date the commission affirms the discharge, in a district court under the substantial evidence standard of review, and the officer remains suspended without pay while the case is under judicial review.

(g) A noncommissioned employee inducted into the service of the department is on probation for the first one year of service, and an officer is on probation from the date the officer is inducted into the service of the department until the anniversary of the date the officer is commissioned. At any time during the probationary period, an officer or employee may be discharged if the director, with the advice and consent of the commission, finds the officer or employee to be unsuitable for the work.

(h) Subsections (e), (e-1), and (f) do not apply to a retired commissioned officer who is employed by the department as a commissioned officer.

(i) For purposes of Subsection (h), a "retired commissioned officer" means a retiree of the Employees Retirement System of Texas whose last employment position held before retirement under that system was as a commissioned officer of the department.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 4, Sec. 2.20(a), eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 790, Sec. 6, eff. Sept. 1, 1993; Acts 1999, 76th Leg., ch. 1189, Sec. 6, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 814 (S.B. 732), Sec. 1, eff. June 17, 2005.

Acts 2005, 79th Leg., Ch. 955 (H.B. 1589), Sec. 1, eff. June 18, 2005.

Acts 2013, 83rd Leg., R.S., Ch. 1109 (H.B. 3805), Sec. 1, eff. September 1, 2013.

Acts 2025, 89th Leg., R.S., Ch. 513 (S.B. 2383), Sec. 1, eff. September 1, 2025.

Sec. 411.0071. DIRECT APPOINTMENT TO MANAGEMENT TEAM POSITIONS BY DIRECTOR. (a) The director may designate a head of a division or a position that involves working directly with the

director as a management team position.

(b) The director may directly appoint a person to a position designated as a management team position under Subsection (a) under criteria determined by the director and approved by the commission. The director's appointment of a person to a management team position or transfer of a person from a management team position to another position for which the person is qualified, as determined by the director, is not subject to Section 411.007.

(c) A person appointed to a management team position under this section, on removal from that position, shall be returned to the position the person held immediately before appointment to the management team position or to a position of equivalent rank. If a person is removed from a management team position as a result of the filing of a formal charge of misconduct, this subsection applies only if the person is exonerated for the misconduct charged.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 7, eff. Sept. 1, 1999.

Sec. 411.0072. EMPLOYMENT-RELATED GRIEVANCES AND APPEALS OF DISCIPLINARY ACTIONS WITHIN THE DEPARTMENT. (a) In this section:

(1) "Disciplinary action" means discharge, suspension, or demotion.

(2) "Employment-related grievance" means an employment-related issue, other than a disciplinary action, in regard to which an employee wishes to express dissatisfaction, including promotions, leave requests, performance evaluations, transfers, benefits, working environment, shift or duty assignments, harassment, retaliation, and relationships with supervisors or other employees or any other issue the commission determines by rule.

(b) The commission shall establish procedures and practices governing the appeal of a disciplinary action within the department.

(c) The commission shall establish procedures and practices through which the department will address an employment-related grievance that include:

(1) a form on which an employee may state an

employment-related grievance and request a specific corrective action;

(2) time limits for submitting a grievance and for management to respond to a grievance;

(3) a multilevel process in which an employee's grievance is submitted to the lowest appropriate level of management, with each subsequent appeal submitted to a higher level in the chain of command;

(4) an assurance that confidentiality of all parties involved will be maintained, except to the extent that information is subject to disclosure under Section 411.00755 and Chapter 552, and that retaliation against an employee who files a grievance is prohibited; and

(5) a program to advertise and explain the grievance procedure to all employees.

(d) The department shall submit annually to the commission, and as part of its biennial report to the legislature required under Section 411.004, a report on the department's use of the employment-related grievance process under Subsection (c). The report must include:

(1) the number of grievances filed;

(2) a brief description of the subject of each grievance filed; and

(3) the final disposition of each grievance.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 7, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 35 (S.B. 740), Sec. 2, eff. May 4, 2007.

Sec. 411.0073. MEDIATION OF PERSONNEL DISPUTES. (a) The commission shall establish procedures for an employee to resolve an employment-related grievance covered by Section 411.0072 through mediation if the employee chooses. The procedures must include mediation procedures and establish the circumstances under which mediation is appropriate for an employment-related grievance.

(b) Except for Section 2008.054, Chapter 2008, as added by Chapter 934, Acts of the 75th Legislature, Regular Session, 1997,

does not apply to the mediation. The mediator must be trained in mediation techniques.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 7, eff. Sept. 1, 1999.

Sec. 411.0074. POLYGRAPH EXAMINATIONS FOR CERTAIN APPLICANTS. (a) This section does not apply to:

(1) an applicant who is currently a peace officer of the department commissioned by the department; or

(2) an applicant for a police communications operator position who is currently employed by the department in another police communications operator position.

(b) Before commissioning an applicant as a peace officer or employing an applicant for a police communications operator position, the department shall require the applicant to submit to the administration of a polygraph examination in accordance with rules adopted under Subsection (e).

(c) The polygraph examination required by this section may only be administered by a polygraph examiner who:

(1) is a peace officer commissioned by the department; or

(2) has a minimum of two years of experience conducting preemployment polygraph examinations for a law enforcement agency.

(d) The department and the polygraph examiner shall maintain the confidentiality of the results of a polygraph examination administered under this section, except that the department may disclose any admission of criminal conduct made during the course of an examination to another appropriate governmental entity.

(e) The department shall adopt reasonable rules to specify the point in the hiring process at which the department shall require a polygraph examination to be administered under this section and the manner in which the examination shall be administered. Rules relating to the administration of a polygraph examination shall be adopted in accordance with the guidelines published by the American Polygraph Association or the American Association of Police Polygraphists.

(f) The department shall use the results of a polygraph examination under this section as a factor in determining whether to commission a peace officer or employ an applicant for the position of police communications operator.

Added by Acts 2005, 79th Leg., Ch. 955 (H.B. 1589), Sec. 2, eff. June 18, 2005.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 663 (H.B. 1560), Sec. 2.03, eff. September 1, 2021.

Sec. 411.00741. POLYGRAPH EXAMINATIONS FOR CERTAIN OFFICERS AND EMPLOYEES. (a) The department may require a commissioned or noncommissioned officer or employee of the department to submit to the administration of a polygraph examination administered by a polygraph examiner if:

(1) the officer or employee is assigned to a position that requires the officer or employee to work with a federal agency on national security issues; and

(2) the federal agency requires that the officer or employee submit to a polygraph examination.

(b) If an officer or employee does not submit to the administration of a polygraph examination required under Subsection (a), the department may, as applicable:

(1) remove the officer or employee from an assignment to a position described by Subsection (a)(1); or

(2) refuse to assign the officer or employee to that position.

Added by Acts 2007, 80th Leg., R.S., Ch. 362 (S.B. 295), Sec. 1, eff. June 15, 2007.

Sec. 411.0075. PERSONNEL POLICIES. (a) The director or the director's designee shall develop an intraagency career ladder program. The program shall require intraagency postings of all non-entry-level positions concurrently with any public posting.

(b) The director or the director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel

transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies related to recruitment, evaluation, selection, appointment, training, and promotion of personnel;

(2) a comprehensive analysis of the department work force that meets federal and state guidelines;

(3) procedures by which a determination can be made of significant underuse in the department work force of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of significant underuse.

(c) A policy statement prepared under Subsection (b) of this section must cover an annual period, be updated at least annually, and be filed with the governor's office.

(d) Repealed by Acts 2011, 82nd Leg., R.S., Ch. 1083, Sec. 25(30), eff. June 17, 2011.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 7, eff. Sept. 1, 1993.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 25(30), eff. June 17, 2011.

Sec. 411.00755. PERSONNEL RECORDS OF COMMISSIONED OFFICERS. (a) In this section:

(1) "Personnel record" includes any letter, memorandum, or document maintained by the department that relates to a commissioned officer of the department, including background investigations, employment applications, employment contracts, service and training records, requests for off-duty employment, birth records, reference letters, letters of recommendation, performance evaluations and counseling records, results of physical tests, polygraph questionnaires and results, proficiency tests, the results of health examinations and other medical records, workers' compensation files, the results of psychological examinations, leave requests, requests for transfers of shift or

duty assignments, commendations, promotional processes, demotions, complaints and complaint investigations, employment-related grievances, and school transcripts.

(2) "Disciplinary action" has the meaning assigned by Section 411.0072(a)(1).

(b) The personnel records of a commissioned officer of the department may not be disclosed or otherwise made available to the public, except the department shall release in accordance with Chapter 552:

(1) any letter, memorandum, or document relating to:

(A) a commendation, congratulation, or honor bestowed on the officer for an action, duty, or activity that relates to the officer's official duties; and

(B) misconduct by the officer, if the letter, memorandum, or document resulted in disciplinary action;

(2) the state application for employment submitted by the officer, but not including any attachments to the application;

(3) any reference letter submitted by the officer;

(4) any letter of recommendation for the officer;

(5) any employment contract with the officer;

(6) any periodic evaluation of the officer by a supervisor;

(7) any document recording a promotion or demotion of the officer;

(8) any request for leave by the officer;

(9) any request by the officer for transfers of shift or duty assignments;

(10) any documents presented to the commission in connection with a public hearing under Section 411.007(f);

(11) the officer's:

(A) name;

(B) age;

(C) dates of employment;

(D) positions held; and

(E) gross salary; and

(12) information about the location of the officer's department duty assignments.

(c) The department may release any personnel record of a commissioned officer:

(1) pursuant to a subpoena or court order, including a discovery order;

(2) for use by the department in an administrative hearing; or

(3) with the written authorization of the officer who is the subject of the record.

(d) A release of information under Subsection (c) does not waive the right to assert in the future that the information is excepted from required disclosure under this section or other law.

Added by Acts 2007, 80th Leg., R.S., Ch. 35 (S.B. 740), Sec. 1, eff. May 4, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 6.01, eff. September 1, 2009.

Sec. 411.0076. MINORITY RECRUITING. (a) The department shall continue to place emphasis on minority recruiting and hiring efforts for noncommissioned positions.

(b) The department's minority recruiter and equal employment opportunity positions created for personnel and equal employment opportunity matters shall continue to pertain to both commissioned and noncommissioned employees.

(c) The department by September, 1994, shall study job requirements for all noncommissioned positions and thereafter shall limit promotion-from-within only to positions where department experience is essential for reasonable job performance.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 7, eff. Sept. 1, 1993.

Sec. 411.0077. LIMITATION ON RESTRICTIONS ON CERTAIN OFF-DUTY ACTIVITIES. (a) During the period that the officer is off duty, a commissioned officer of the department is entitled to attend educational programs or courses or to engage in any outside employment that does not adversely affect the operations or the reputation of the department. The rights of a commissioned officer under this section are subject to any reasonable department

requirements that the officer be accessible to the department during off-duty periods for the possible performance of official duties.

(b) The department shall adopt reasonable guidelines relating to acceptable off-duty employment. The guidelines shall be uniformly applied to all supervisory and nonsupervisory commissioned officers.

(b-1) If the department denies approval of a commissioned officer's secondary employment or proposed secondary employment, the director or the director's designee must promptly notify the officer in writing of the specific guideline adopted under Subsection (b) on which the department's decision is based. The notice must explain why the secondary employment or proposed secondary employment is prohibited by the referenced guideline.

(c) If a commissioned officer is engaged in off-duty employment that the officer believes, in good faith, is not prohibited by a specific guideline adopted under Subsection (b), the officer is authorized to engage in the off-duty employment until the director or the director's designee informs the officer in writing that the employment is not acceptable.

Added by Acts 1989, 71st Leg., ch. 379, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., ch. 335, Sec. 1, eff. Sept. 1, 1991; Acts 2003, 78th Leg., ch. 921, Sec. 1, eff. Sept. 1, 2003.

Sec. 411.0078. USE OF UNIFORM WHILE PERFORMING CERTAIN OFF-DUTY ACTIVITIES. (a) An officer commissioned by the department may purchase from the department at fair market value a uniform to be used by the officer while providing law enforcement services for a person or entity other than the department. If an officer who purchased a uniform under this subsection leaves the service of the department for any reason, the officer shall return the uniform to the department. The department shall pay the officer the fair market value of the uniform at the time it is returned. For purposes of this subsection:

(1) a uniform does not include a handgun or other weapon; and

(2) the fair market value of a uniform is determined by

the department.

(b) An officer wearing a uniform purchased under Subsection (a) may not act in a manner that adversely affects the operations or reputation of the department.

(c) The department shall adopt reasonable guidelines regarding:

(1) the types of law enforcement services for which an officer may purchase and wear a uniform under Subsection (a) and the circumstances under which the officer may perform those services; and

(2) the standards of behavior to be maintained by an officer who wears a uniform purchased under Subsection (a).

Added by Acts 1995, 74th Leg., ch. 738, Sec. 1, eff. Sept. 1, 1995.

Sec. 411.0079. WORKING CONDITIONS FOR CERTAIN PREGNANT OFFICERS. (a) The director shall make reasonable efforts to accommodate the request of a commissioned officer of the department who is determined by a physician to be partially physically restricted by a pregnancy if the request is related to the officer's working conditions.

(b) If the physician of an officer certifies that, because of the officer's pregnancy, the officer is unable to perform the duties of the officer's permanent work assignment and a temporary work assignment that the officer may perform is available, the director shall, on request of the officer, assign the officer to the temporary work assignment.

Added by Acts 2003, 78th Leg., ch. 891, Sec. 1, eff. Sept. 1, 2003.

Sec. 411.008. DISTRICT HEADQUARTERS. The commission may establish district headquarters and stations at various places in the state and provide personnel and equipment necessary for their functioning and operation.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.0085. DRIVER'S LICENSE FACILITIES: PERSONNEL. The department may not assign more than 123 commissioned officers plus supervising personnel to driver's license facilities.

Added by Acts 1995, 74th Leg., ch. 165, Sec. 4, eff. Sept. 1, 1995.

Sec. 411.009. LOCAL COOPERATION. (a) The sheriff and constables of each county and chief of police of each municipality are associate members of the department and are entitled to the rights and privileges granted to them by the department.

(b) The director may require a sheriff or other police officer in a county or municipality, within the limits of the officer's jurisdiction, to aid or assist in the performance of a duty imposed by this chapter. The officer shall comply with the order to the extent requested.

(c) The director with the advice and consent of the commission shall formulate and put into effect plans and means of cooperating with sheriffs, local police, and other peace officers throughout the state to prevent and discover crime, apprehend criminals, and promote public safety. Each local police and peace officer shall cooperate with the director in the plans.

(d) Each telegraph and telephone company and radio station operating in the state shall grant priority of service to a police agency and the department when notified that the service is urgent in the interests of the public welfare.

(e) The commissioners court of each county may furnish to the department necessary building space for establishing a branch crime detection laboratory to serve the general area of the state in which the county is located. If the county offers to furnish necessary space, the department may equip and operate the laboratory within the limits of its general authority and available appropriations. Unless the legislature has specifically directed the establishment and operation of a branch laboratory, the commission has discretion to decide whether a branch laboratory should be established or maintained.

(f) If the Commissioners Court of El Paso County furnishes without cost to the state the necessary building space, the department shall establish and operate a branch crime detection laboratory in El Paso County to serve the West Texas area, if the department determines that efficient enforcement of law requires establishment of the laboratory and sufficient funds are available

in the department.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.0091. SEX OFFENDER COMPLIANCE UNIT. (a) The director shall create a sex offender compliance unit to be operated by the department.

(b) The sex offender compliance unit shall investigate and arrest individuals determined to have committed a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

(c) The legislature may appropriate funds to the department from the fugitive apprehension account for the purpose of paying the costs to the department of implementing this section.

(d) The department may adopt rules as necessary to implement this section.

Added by Acts 1999, 76th Leg., ch. 150, Sec. 1, eff. Sept. 1, 1999. Renumbered from Sec. 411.0098 by Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(39), eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1008 (H.B. 867), Sec. 2.08, eff. September 1, 2005.

Sec. 411.0092. PRIMARY JURISDICTION. The sex offender compliance unit described by Section 411.0091 has primary jurisdiction to investigate a felony offense committed by a sexually violent predator civilly committed under Chapter 841, Health and Safety Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 351 (S.B. 1179), Sec. 12, eff. September 1, 2023.

Sec. 411.0095. VEHICLE THEFT CHECKPOINTS AT BORDER CROSSING. (a) The department may establish a program for the purpose of establishing border crossing checkpoints to prevent stolen vehicles, farm tractors or implements, construction equipment, aircraft, or watercraft from entering Mexico.

(b) A checkpoint may be established under Subsection (a) if the checkpoint is:

(1) located within 250 yards of a federally designated

crossing facility located at or near the actual boundary between this state and Mexico;

(2) located on a public highway or street leading directly to an international border crossing;

(3) designed to stop only traffic bound for Mexico; and

(4) operated in such a manner as to stop only vehicles, tractors or implements, equipment, aircraft, or watercraft for which law enforcement authorities have probable cause to believe is stolen and bound for Mexico.

(c) The department may establish the border crossing checkpoint program in conjunction with local law enforcement authorities. The department and local law enforcement authorities may share the cost of staffing the checkpoints.

(d) The department shall establish procedures governing the encounter between the driver and the peace officers operating the checkpoint that ensure that any intrusion on the driver is minimized and that the inquiries made are reasonably related to the purpose of the checkpoint. A peace officer at the checkpoint may not direct a driver or a passenger in a motor vehicle to leave the vehicle or move the vehicle off the roadway unless the officer has reasonable suspicion or probable cause to believe that the person committed or is committing an offense. However, a peace officer may require that each motor vehicle passing through the checkpoint be diverted to a location immediately adjacent to the roadway, if desirable, to ensure safety.

(e) In this section:

(1) "Motor vehicle" and "vehicle" have the meanings assigned to those terms by Section 541.201, Transportation Code.

(2) "Watercraft" has the meaning assigned by Section 49.01, Penal Code.

Added by Acts 1993, 73rd Leg., ch. 497, Sec. 1, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 184, Sec. 1, eff. May 23, 1995; Acts 1997, 75th Leg., ch. 165, Sec. 30.191, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 670, Sec. 1, eff. Sept. 1, 1999.

Sec. 411.0096. MEMORANDUM OF UNDERSTANDING WITH CRIMINAL

JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR. (a) The department and the office of the governor, criminal justice division, by rule shall adopt a joint memorandum of understanding on coordinating the drug law enforcement efforts of the department and the criminal justice division.

(b) The memorandum of understanding shall:

(1) provide that the department shall advise the criminal justice division about the statewide drug policy planning efforts of the division;

(2) provide for representation by the department on any advisory board advising the governor about drug policy;

(3) require the criminal justice division and the department to define their respective roles relating to drug task forces;

(4) require the criminal justice division and the department to jointly determine the areas of law enforcement focus for drug task force efforts; and

(5) require the criminal justice division and the department to jointly develop guidelines and procedures to govern drug task force operations that are funded by the state.

(c) The criminal justice division and the department shall update and revise the memorandum of understanding as necessary and by rule adopt all revisions to the memorandum.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 8, eff. Sept. 1, 1993. Renumbered from Government Code Sec. 411.0095 by Acts 1995, 74th Leg., ch. 76, Sec. 17.01(13), eff Sept. 1, 1995; Acts 1995, 74th Leg., ch. 184, Sec. 2, eff. May 23, 1995.

Text of section as added by Acts 2005, 79th Leg., R.S., Ch. 693 (S.B. 293), Sec. 1

For text of section as added by Acts 2005, 79th Leg., Ch. 556 (H.B. 1239), Sec. 3, see other Sec. 411.0097.

Sec. 411.0097. TRANSPORTATION AND INSPECTIONS MEETING WITH REPRESENTATIVES OF MEXICAN STATES. (a) The department shall initiate efforts to meet at least quarterly with the department's counterparts in the Mexican states bordering this state to discuss issues relating to truck inspections and transportation and

infrastructure involved in truck inspections and transportation.

(b) To assist the department in carrying out this section, the department shall contact the border commerce coordinator designated under Section 772.010 and the mayors of each municipality in this state in which a port of entry for land traffic is located.

(c) At least one department representative participating in a meeting under Subsection (a) must be proficient in Spanish.

(d) The department, in conjunction with the border commerce coordinator, shall develop short-range and long-range plans, including recommendations to increase bilateral relations with Mexico and expedite trade by mitigating delays in border crossing inspections for northbound truck traffic. In developing the plans, the department and coordinator shall consider information obtained from any meetings under Subsection (a). The department shall update the plan biennially.

Added by Acts 2005, 79th Leg., Ch. 693 (S.B. 293), Sec. 1, eff. June 17, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 28, eff. September 1, 2013.

Text of section as added by Acts 2005, 79th Leg., R.S., Ch. 556 (H.B. 1239), Sec. 3

For text of section as added by Acts 2005, 79th Leg., Ch. 693 (S.B. 293), Sec. 1, see other Sec. 411.0097.

Sec. 411.0097. MULTICOUNTY DRUG TASK FORCES. (a) The department shall establish policies and procedures for multicounty drug task forces, as defined by Section 362.001, Local Government Code, and may exercise the authority necessary to ensure compliance with those policies and procedures.

(b) The department shall evaluate each multicounty drug task force with respect to whether the task force:

(1) complies with state and federal requirements, including policies and procedures established by department rule; and

(2) demonstrates effective performance outcomes.

(c) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1312, Sec. 99(13), eff. September 1, 2013.

Added by Acts 2005, 79th Leg., Ch. 556 (H.B. 1239), Sec. 3, eff. September 1, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1312 (S.B. 59), Sec. 99(13), eff. September 1, 2013.

Sec. 411.0098. COORDINATION WITH DEPARTMENT OF TRANSPORTATION. (a) The department and the Texas Department of Transportation shall establish procedures to ensure effective coordination of the development of transportation infrastructure projects that affect both agencies.

(b) Procedures established under this section shall:

(1) allow each agency to provide comments and advice to the other agency on an ongoing basis regarding statewide transportation planning efforts that affect traffic law enforcement;

(2) define the role of each agency in transportation infrastructure efforts; and

(3) require the department and the Texas Department of Transportation to develop a plan for applying for and using federal funds to address infrastructure needs that affect enforcement efforts.

(c) The department and the Texas Department of Transportation shall update and revise the procedures established under this section as necessary.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 7, eff. Sept. 1, 1999.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 5, eff. June 17, 2011.

Sec. 411.0099. NEEDS ASSESSMENT FOR ENFORCEMENT OF COMMERCIAL MOTOR VEHICLE RULES. (a) The department shall conduct a long-term needs assessment for the enforcement of commercial motor vehicle rules that considers at a minimum:

(1) the inventory of current facilities and equipment

used for enforcement, including types of scales, structures, space, and other equipment;

(2) enforcement activity, including trend information, at fixed-site facilities;

(3) staffing levels and operating hours for each facility; and

(4) needed infrastructure improvements and the associated costs and projected increase in activity that would result from the improvements.

(b) The department shall submit a biennial report to the legislative committees with primary jurisdiction over state budgetary matters and the Texas Transportation Commission that reflects the results of the needs assessment conducted under Subsection (a). The report shall be submitted to the legislature in conjunction with the department's legislative appropriations request.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 7, eff. Sept. 1, 1999.

Sec. 411.010. ASSISTANCE OF STATE AGENCIES. The attorney general, the Texas Department of Transportation, the Texas Department of Health, and all other departments of state government shall cooperate with the department in the execution of this chapter and the enforcement of state laws concerning public safety and crime prevention and detection.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1995, 74th Leg., ch. 165, Sec. 22(34), eff. Sept. 1, 1995.

Sec. 411.011. ASSISTANCE OF STATE EDUCATIONAL INSTITUTIONS. (a) The University of Texas and all other state-supported educational institutions shall:

(1) cooperate with the department in carrying out this chapter;

(2) assist in the giving of instruction in the training schools conducted by the bureau of education; and

(3) assist the bureau of identification and records in making necessary chemical tests and analyses and in making statistical analyses, charts, and reports of law enforcement and

violations of law.

(b) The commission and the president of the educational institution called on for assistance shall agree on and arrange the nature and extent of the assistance.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.0111. PROVISION OF CERTAIN INFORMATION TO COMPTROLLER. (a) Not later than June 1 of every fifth year, the department shall provide to the comptroller, for the purpose of assisting the comptroller in the identification of persons entitled to unclaimed property reported to the comptroller, the name, address, social security number, date of birth, and driver's license or state identification number of each person about whom the department has such information in its records.

(b) Information provided to the comptroller under this section is confidential and may not be disclosed to the public.

(c) The department shall provide the information in the format prescribed by rule of the comptroller.

Added by Acts 2009, 81st Leg., R.S., Ch. 232 (S.B. 1589), Sec. 5, eff. September 1, 2009.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 4 (S.B. 1), Sec. 47.01, eff. September 28, 2011.

Sec. 411.012. COMMAND BY GOVERNOR. The governor may assume command and direct the activities of the commission and department during a public disaster, riot, insurrection, or formation of a dangerous resistance to enforcement of law, or to perform the governor's constitutional duty to enforce law. The governor shall use the personnel of the Texas Highway Patrol only if the other personnel of the department are unable to cope with the emergency.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.013. EXPENDITURES, DONATIONS, AND APPROPRIATIONS. (a) Repealed by Acts 1997, 75th Leg., ch. 1206, Sec. 28, eff. Sept. 1, 1997.

(b) The department may accept donations of money and other

real or personal property from any individual, group, association, corporation, or governmental agency and may use those donations for any purpose designated by the donor that furthers the exercise of duties imposed by law on the department.

(c) Appropriations for the Texas Highway Patrol must be made from the state highway fund.

(d) The department shall establish and administer a grant program for and shall disburse funds to nonprofit organizations that provide support to employees of the department, including support for family members of employees of the department who have been killed or injured in the line of duty.

(e) Grant funds may be used only for:

(1) providing assistance and support to:

(A) employees of the department; or

(B) family members of employees of the department who have been killed or injured in the line of duty; or

(2) memorial signs for employees of the department who have been killed in the line of duty.

(f) The department shall establish:

(1) grant application procedures;

(2) guidelines relating to grant amounts; and

(3) criteria for evaluating grant applications.

(g) The nonprofit organizations supporting employees of the Department of Public Safety account is created as a dedicated account in the general revenue fund of the state treasury. Money in the account may be appropriated only to the department for purposes of the grant program established under Subsection (d). Funds disbursed under Subsection (d) are subject to audit by the comptroller.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 4, Sec. 2.21(a), eff. Sept. 1, 1989; Acts 1993, 73rd Leg., ch. 790, Sec. 9, eff. Sept. 1, 1993; Acts 1997, 75th Leg., ch. 1206, Sec. 28, eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1083 (S.B. 1179), Sec. 25(31), eff. June 17, 2011.

Acts 2025, 89th Leg., R.S., Ch. 429 (H.B. 3033), Sec. 3, eff.

September 1, 2025.

Sec. 411.0131. USE OF SEIZED AND FORFEITED ASSETS. (a) The commission by rule shall establish a process under which the commission approves all of the department's dispositions of assets seized or forfeited under state or federal law and received by or appropriated to the department. The commission shall adopt rules under this section in accordance with Chapter 2001. Before approving a disposition, the commission shall consider how the disposition supports priorities established in the department's strategic plan and whether the disposition complies with applicable federal guidelines.

(b) The department shall file annually with the governor and the presiding officer of each house of the legislature a report on seized and forfeited assets. The report must include:

(1) a summary of receipts, dispositions, and fund balances for the fiscal year derived from both federal and state sources;

(2) regarding receipts, the court in which each case involving seized or forfeited assets was adjudicated, the nature and value of the assets, and the specific intended use of the assets;

(3) regarding dispositions, the departmental control number and category, the division making the request, the specific item and amount requested, the amount the commission approved, and the actual amount expended per item; and

(4) regarding planned dispositions, a description of the broad categories of anticipated dispositions and how they relate to the department's strategic plan.

(c) The department shall, within 30 days after the end of each quarter, report and justify any dispositions of seized or forfeited assets during the quarter that:

(1) differ from the planned dispositions reported under Subsection (b); and

(2) were used for a purpose not considered a priority in the department's strategic plan or not required by law or applicable federal guidelines.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 7, eff. Sept. 1, 1999.

Sec. 411.0132. USE OF FUNDS TO SUPPORT CERTAIN PERSONS. The department may use appropriated funds to purchase food and beverages for:

(1) training functions required of peace officers of the department subject to director approval; and

(2) a person who is:

(A) activated to provide services in response to an emergency situation, incident, or disaster; and

(B) unable to leave or required to remain at the person's assignment area due to the emergency situation, incident, or disaster.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1270 (H.B. 78), Sec. 2, eff. June 17, 2011.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 341 (H.B. 2343), Sec. 1, eff. June 7, 2021.

Sec. 411.0135. METHOD OF PAYMENT OF FEES AND CHARGES. (a) The department may adopt rules regarding the method of payment of any fee or charge that is imposed or collected by the department.

(b) Rules adopted under Subsection (a) may authorize payment, under circumstances prescribed by the department:

(1) in person, by mail, by telephone, or over the Internet;

(2) by means of electronic funds transfer; or

(3) by means of a valid credit card issued by a financial institution chartered by a state or the federal government or by a nationally recognized credit organization approved by the department.

(c) The department by rule may require, in addition to the amount of the fee or charge, the payment of:

(1) a discount, convenience, or service charge for a payment transaction; or

(2) a service charge in connection with the payment of a payment transaction that is dishonored or refused for lack of

funds or insufficient funds.

Added by Acts 2001, 77th Leg., ch. 866, Sec. 3, eff. Sept. 1, 2001.

Sec. 411.014. BUILDINGS AND EQUIPMENT. (a) The state shall provide the necessary buildings, offices, and quarters for the department and its officers and employees in Austin and other places in the state where district headquarters are located. The state shall provide furniture, fixtures, automobiles, motorcycles, horses, firearms, ammunition, uniforms, appliances, and other materials necessary to the proper functioning and operation of the department.

(b) The department's physical plant in Austin is under the department's control and management for the use and benefit of the state in the discharge of the official duties of the department.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.0141. MULTIUSE TRAINING AND OPERATIONS CENTER FACILITY. (a) The Texas Facilities Commission shall construct a multiuse training and operations center facility to be used by the department, the Texas military forces, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government:

(1) for training purposes;

(2) to house law enforcement assets and equipment; and

(3) to support and initiate tactical operations and law enforcement missions.

(b) The Texas Facilities Commission, with the assistance of the department, shall locate and acquire real property for the purpose of constructing the training and operations center facility. The governing body of a county, municipality, or navigation district, on behalf of the county, municipality, or navigation district, may donate real property to the department for the facility. The donation may be in fee simple or otherwise.

(c) The department shall, with the assistance of the Texas Facilities Commission, design the training and operations center facility.

(d) On completion of the construction of the training and

operations center facility, the Texas Facilities Commission shall transfer ownership of the facility, including the real property and buildings, to the department.

(e) The department shall manage the training and operations center facility and may adopt rules necessary to implement this section. The department shall make the facility available for use by the department, the Texas military forces, county and municipal law enforcement agencies, and any other military or law enforcement agency, including agencies of the federal government. The department may set and collect fees for the use of the facility.

Added by Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 11, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 944 (S.B. 1805), Sec. 1, eff. September 1, 2017.

Sec. 411.015. ORGANIZATION. (a) Except as provided by Subsection (b), the designation by this chapter of certain divisions and division chiefs is not mandatory and this chapter does not prevent the commission from reorganization or consolidation within the department in the interest of more efficient and economical management and direction of the department. The director, with the commission's approval, may organize and maintain within the department divisions of service considered necessary for the efficient conduct of the department's work.

(b) The division relating to the Texas Rangers may not be abolished.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.08, eff. September 1, 2009.

Sec. 411.016. COMPENSATORY TIME; OVERTIME PAY. (a) This section applies to an officer commissioned by the department who is not employed in a position that the director has declared to be administrative, executive, or professional.

(b) If, during a 24-hour period, the total number of hours worked by a commissioned officer equals more than eight hours, the excess is overtime.

(b-1) If, during a work week, the total number of hours worked by a commissioned officer equals more than 40 hours, the excess is overtime.

(c) This section applies only to the computation of overtime entitlements and does not apply to the method of compensating a commissioned officer for working on regularly scheduled state holidays.

(d) A commissioned officer may receive a supplement paid by the federal government earned while working on a project funded by the federal government, and that supplement may not be considered in determining a commissioned officer's entitlement under this section.

(e) The department may compensate an officer commissioned by the department for the overtime earned by the officer by:

(1) allowing or requiring the officer to take compensatory leave at the rate of 1-1/2 hours of leave for each hour of overtime earned; or

(2) paying the officer for the overtime hours earned at the rate equal to 1-1/2 times the officer's regular hourly pay rate.

(f) If a conflict exists between this section and Section 659.015, this section controls.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 293 (S.B. 297), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 293 (S.B. 297), Sec. 2, eff. September 1, 2017.

Sec. 411.0161. DONATION OF ACCRUED COMPENSATORY TIME OR ACCRUED ANNUAL LEAVE FOR LEGISLATIVE PURPOSES. (a) The director shall allow a department employee to voluntarily transfer to a legislative leave pool up to eight hours of compensatory time or annual leave per year earned by the employee.

(b) The director or designee shall administer the legislative leave pool.

(c) The Public Safety Commission shall adopt rules and prescribe procedures relating to the operation of the legislative leave pool.

(d) The director or designee shall credit the legislative leave pool with the amount of time contributed by an employee and deduct a corresponding amount of time from the employee's earned compensatory time or annual leave as if the employee had used the time for personal purposes.

(e) An employee is entitled to use time contributed to the legislative leave pool if the employee uses the time for legislative leave on behalf of a law enforcement association of at least 1,000 active or retired members governed by a board of directors.

(f) The director of the pool administrator shall transfer time from the pool to the employee and credit the time to the employee.

(g) An employee may only withdraw time from the legislative leave pool in coordination and with the consent of the president or designee of the law enforcement association described in Subsection (e), and may not draw more than 80 hours of time from the pool in a 160-hours work cycle with the maximum time taken not to exceed 480 hours per fiscal year.

(h) In addition to Subsection (g), the use of any time from the legislative leave pool must also be in accordance with rules adopted by the Public Safety Commission.

Added by Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 6.02, eff. September 1, 2009.

Sec. 411.0162. SALARIES FOR CERTAIN TROOPERS. (a) Notwithstanding any other provision of law and subject to the availability of money appropriated for that purpose, the department may pay its employees classified as Trooper Trainee, Probationary Trooper, and Trooper I at rates that exceed the maximum rates designated in Salary Schedule C of the position classification schedule prescribed by the General Appropriations Act for the state

fiscal biennium ending August 31, 2013, for that position by up to 10 percent.

Added by Acts 2013, 83rd Leg., R.S., Ch. 680 (H.B. 2100), Sec. 1, eff. September 1, 2013.

Sec. 411.0163. HIRING OFFICERS WITH PREVIOUS LAW ENFORCEMENT EXPERIENCE. Notwithstanding any other provision of law, the department may, at the time a commissioned officer is hired, elect to credit up to four years of experience as a peace officer in the state as years of service for the purpose of calculating the officer's salary under Schedule C. All officers are subject to the one-year probationary period under Section 411.007(g) notwithstanding the officer's rank or salary classification.

Added by Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 6, eff. September 1, 2015.

Sec. 411.0164. 50-HOUR WORKWEEK FOR COMMISSIONED OFFICERS. Notwithstanding any other law, the department may implement a 10-hour workday and 50-hour workweek for commissioned officers of the department.

Added by Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 7, eff. September 1, 2015.

Sec. 411.0165. VETERAN APPLICANTS FOR TROOPER TRAINING. The department may accept a person applying to the department's trooper trainee academy if the person:

(1) has served four or more years in the United States armed forces as a member of the military police or other security force and received an honorable discharge; and

(2) meets all other department requirements for a commissioned officer.

Added by Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 8, eff. September 1, 2015.

Sec. 411.017. UNAUTHORIZED ACTS INVOLVING DEPARTMENT NAME, INSIGNIA, OR DIVISION NAME. (a) A person commits an offense if,

without the director's authorization, the person:

(1) manufactures, sells, or possesses a badge, identification card, or other item bearing a department insignia or an insignia deceptively similar to the department's;

(2) makes a copy or likeness of a badge, identification card, or department insignia, with intent to use or allow another to use the copy or likeness to produce an item bearing the department insignia or an insignia deceptively similar to the department's; or

(3) uses the term "Texas Department of Public Safety," "Department of Public Safety," "Texas Ranger," or "Texas Highway Patrol" in connection with an object, with the intent to create the appearance that the object belongs to or is being used by the department.

(b) In this section, "department insignia" means an insignia or design prescribed by the director for use by officers and employees of the department in connection with their official activities. An insignia is deceptively similar to the department's if it is not prescribed by the department but a reasonable person would presume that it was prescribed by the department.

(c) A district or county court, on application of the attorney general or of the district attorney or prosecuting attorney performing the duties of district attorney for the district in which the court is located, may enjoin a violation or threatened violation of this section on a showing that a violation has occurred or is likely to occur.

(d) It is an affirmative defense to a prosecution under this section that the object is used exclusively:

(1) for decorative purposes, maintained or preserved in a decorative state, and not offered for sale; or

(2) in an artistic or dramatic presentation, and before the use of the object the producer of the presentation notifies the director in writing of the intended use, the location where the use will occur, and the period during which the use will occur.

(e) An offense under this section is a Class A misdemeanor, unless the object is shipped by United States mail or by any type of

commercial carrier from a point outside the State of Texas to a point inside the state if the shipper or his agent has been sent notification by registered United States mail of this section prior to the shipment, in which event the offense is a felony of the third degree.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 496, Sec. 1, eff. Sept. 1, 1989.

Sec. 411.018. HAZARDOUS MATERIALS. (a) The director shall adopt rules relating to the reporting of all transportation incidents involving releases of reportable quantities of hazardous materials occurring on public roads or railroads that are not on a private industrial site. The rules must be consistent with federal rules relating to hazardous materials adopted under federal law. The director may adopt all or part of the federal hazardous materials rules by reference.

(b) The department by rule shall require that all carriers of hazardous materials report all incidents involving a release of reportable quantities of hazardous materials to the department.

(c) The department shall serve as the central repository of statistical information relating to incidents involving release of hazardous materials.

(d) The department is responsible for the on-site coordination of all hazardous materials transportation emergencies. The director shall adopt necessary rules to implement this subsection.

Added by Acts 1989, 71st Leg., ch. 4, Sec. 2.22(a), eff. Sept. 1, 1989.

Sec. 411.0185. AUTHORIZED INSPECTION OF CARGO TANKS CONTAINING CERTAIN PETROLEUM PRODUCTS. (a) In this section:

(1) "Cargo tank" has the meaning assigned by Section 162.001, Tax Code.

(2) "Crime laboratory" and "forensic analysis" have the meanings assigned by Article 38.35, Code of Criminal Procedure.

(3) "Petroleum product" means crude oil or condensate.

(b) A commissioned officer of the department who receives

training described by Subsection (c) may conduct a comprehensive inspection of any cargo tank used or suspected of being used to transport a petroleum product on a public road or railroad in this state. An officer who conducts an inspection under this subsection may obtain a sample of the petroleum product or suspected petroleum product being transported in the cargo tank and submit the sample to a crime laboratory, or any other laboratory capable of testing petroleum products in the manner required by this section, for forensic analysis.

(c) The commission by rule shall develop a training program for commissioned officers to perform comprehensive inspections described by Subsection (b). The training program must include instruction regarding the proper method for an officer to safely obtain a sample of a petroleum product from a cargo tank.

(d) The department may accept gifts and grants from any source to fund forensic analyses of petroleum products under this section.

Added by Acts 2025, 89th Leg., R.S., Ch. 70 (S.B. 1806), Sec. 3, eff. September 1, 2025.

Sec. 411.019. TOLL-FREE NUMBER. (a) The department shall provide a 24-hour toll-free telephone number for use by the public in reporting traffic offenses, including driving while intoxicated, suspected criminal activity, and traffic collisions and other emergencies.

(b) On receiving a report of an offense, the department shall contact the law enforcement agency of the jurisdiction where the reported suspected driver or incident was observed or shall dispatch department officers.

Added by Acts 1989, 71st Leg., ch. 1251, Sec. 1, eff. June 16, 1989.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 709 (H.B. 2190), Sec. 130, eff. September 1, 2023.

Sec. 411.0195. PUBLIC COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department. The department shall

maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) The department shall periodically notify the complaint parties of the status of the complaint until final disposition.

(d) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1146, Sec. 5.15, eff. September 1, 2009.

(e) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1146, Sec. 5.15, eff. September 1, 2009.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 10, eff. Sept. 1, 1993.

Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 8, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.09, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.15, eff. September 1, 2009.

Sec. 411.0196. ACCESS TO PROGRAMS. The department shall prepare and maintain a written plan that describes how a person who does not speak English or who has a physical, mental, or developmental disability can be provided reasonable access to the department's programs.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 10, eff. Sept. 1, 1993.

Sec. 411.020. PURCHASE OF FIREARM FROM DEPARTMENT BY OFFICER. (a) A commissioned officer of the department may purchase for an amount set by the department, not to exceed fair market value, a firearm issued to the officer by the department if the firearm is not listed as a prohibited weapon under Section 46.05, Penal Code, and if the firearm is retired by the department for replacement purposes.

(b) The department may adopt rules for the sale of a retired firearm to an officer of the department.

Added by Acts 1991, 72nd Leg., ch. 37, Sec. 1, eff. April 19, 1991. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 14.35, eff. Sept. 1, 1995.

Sec. 411.0201. REPRODUCTION OF RECORDS. (a) Except as provided by Subsection (b), the department may photograph, microphotograph, or film any record in connection with the issuance of a driver's license or commercial driver's license and any record of any division of the department.

(b) None of the following may be photographed or filmed to dispose of the original record:

(1) an original fingerprint card;

(2) any evidence submitted in connection with a criminal case; or

(3) a confession or statement made by the defendant in a criminal case.

(c) The department may create original records in micrographic form on media, such as computer output microfilm.

(d) A photograph, microphotograph, or film of a record reproduced under Subsection (a) is equivalent to the original record for all purposes, including introduction as evidence in all courts and administrative agency proceedings. A certified or authenticated copy of such a photograph, microphotograph, or film is admissible as evidence equally with the original photograph, microphotograph, or film.

(e) The director or an authorized representative may certify the authenticity of a photograph, microphotograph, or film of a record reproduced under this section and shall charge a fee for the certified photograph, microphotograph, or film as provided by law.

(f) Certified records shall be furnished to any person who is authorized by law to receive them.

Added by Acts 1995, 74th Leg., ch. 165, Sec. 6, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 1187, Sec. 3, eff. Sept. 1, 1997.

Sec. 411.0202. DISPOSAL OF RECORDS. (a) Unless otherwise

required by law and subject to Chapter 441, the department may dispose of or destroy records that the department determines are not required for the performance of the department's duties and functions.

(b) The department may dispose of or destroy a defendant's original fingerprint card if:

(1) the department has on file and retains another original fingerprint card for the defendant; or

(2) the defendant has attained the age of 80.

Added by Acts 1995, 74th Leg., ch. 165, Sec. 7, eff. Sept. 1, 1995.

Sec. 411.0206. ABATEMENT OR DEFERRAL FOR VICTIMS OF IDENTITY THEFT. (a) In this section:

(1) "License" means a license, certificate, permit, or other authorization issued by the department.

(2) "Victim of identity theft" means an individual who has filed a criminal complaint alleging the commission of an offense under Section 32.51, Penal Code, other than a person who is convicted of an offense under Section 37.08, Penal Code, with respect to that complaint.

(b) The department may abate or defer a mandatory suspension or revocation of a license if the license holder presents evidence acceptable to the department that:

(1) the license holder is the victim of identity theft; and

(2) the person against whom a criminal complaint alleging the commission of an offense under Section 32.51, Penal Code, has been filed, and not the license holder, engaged in the act or omission that mandates the suspension or revocation.

Added by Acts 2011, 82nd Leg., R.S., Ch. 796 (H.B. 2256), Sec. 1, eff. June 17, 2011.

Sec. 411.0207. PUBLIC CORRUPTION UNIT. (a) In this section, "organized criminal activity" means conduct that constitutes an offense under Section 71.02, Penal Code.

(b) A public corruption unit is created within the department to investigate and assist in the management of

allegations of participation in organized criminal activity by:

(1) an individual elected, appointed, or employed to serve as a peace officer for a governmental entity of this state under Article 2A.001, Code of Criminal Procedure; or

(2) a federal law enforcement officer while performing duties in this state.

(c) The unit shall:

(1) assist district attorneys and county attorneys in the investigation and prosecution of allegations described by Subsection (b);

(2) if requested by the agency, assist a state or local law enforcement agency with the investigation of such allegations against law enforcement officers in the agency;

(3) assist the United States Department of Justice or any other appropriate federal department or agency in the investigation and prosecution of allegations described by Subsection (b);

(4) if requested by the agency, assist a federal law enforcement agency with the investigation of such allegations against law enforcement officers in the agency;

(5) serve as a clearinghouse for information relating to the investigation and prosecution of allegations described by Subsection (b); and

(6) report to the highest-ranking officer of the Texas Rangers division of the department.

(d) On written approval of the director or of the chair of the commission, the highest-ranking officer of the Texas Rangers division of the department may initiate an investigation of an allegation of participation in organized criminal activity by a law enforcement officer described by Subsection (b)(1). Written approval under this subsection must be based on cause.

(e) To the extent allowed by law, a state or local law enforcement agency shall cooperate with the public corruption unit by providing information requested by the unit as necessary to carry out the purposes of this section. Information described by this subsection is excepted from required disclosure under Chapter 552 in the manner provided by Section 552.108.

Added by Acts 2009, 81st Leg., R.S., Ch. 1130 (H.B. 2086), Sec. 41, eff. September 1, 2009.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.082, eff. January 1, 2025.

Sec. 411.0208. RESERVE OFFICER CORPS. (a) The commission may provide for the establishment of a reserve officer corps consisting of retired or previously commissioned peace officers, as defined by Article 2A.001, Code of Criminal Procedure, who retired or resigned in good standing.

(b) The commission shall establish qualifications and standards of training for members of the reserve officer corps.

(c) The commission may limit the size of the reserve officer corps.

(d) The director shall appoint the members of the reserve officer corps. Members serve at the director's discretion.

(e) The director may call the reserve officer corps into service at any time the director considers it necessary to have additional officers to assist the department in conducting background investigations, sex offender compliance checks, and other duties as determined necessary by the director.

Added by Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 9, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 152 (H.B. 1780), Sec. 1, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.083, eff. January 1, 2025.

Sec. 411.0209. DEPARTMENT ASSISTANCE AT INTERNATIONAL BORDER CHECKPOINTS. (a) To prevent the unlawful transfer of contraband from this state to the United Mexican States and other unlawful activity, the department shall implement a strategy for providing to federal authorities and to local law enforcement authorities working with those federal authorities at international border checkpoints assistance in the interdiction of

weapons, bulk currency, stolen vehicles, and other contraband, and of fugitives, being smuggled into the United Mexican States.

(b) The department may share with the federal government the cost of staffing any international border checkpoints for the purposes described by this section.

(c) The director and applicable local law enforcement authorities shall adopt procedures as necessary to administer this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 9, eff. September 1, 2015.

Sec. 411.02093. STATE CRIMINAL LAW TRAINING PROGRAM FOR BORDER PATROL AGENTS. (a) The department shall:

(1) develop a training program for Border Patrol Agents of the United States Customs and Border Protection on the criminal laws of this state, including laws relating to arrest, search, and seizure; and

(2) on request, provide the training program developed under Subdivision (1) to a Border Patrol Agent.

(b) The department may enter into a written agreement with the United States Customs and Border Protection for purposes of providing the training program developed under this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 196 (S.B. 602), Sec. 2, eff. September 1, 2023.

Sec. 411.02094. BORDER OPERATIONS TRAINING PROGRAM. (a) The department, in coordination with local law enforcement agencies, shall establish and administer a border operations training program for peace officers employed by local law enforcement agencies that will prepare the officers to:

(1) collaborate and cooperate with and assist any law enforcement agency in the interdiction, investigation, and prosecution of criminal activity in the Texas-Mexico border region; and

(2) collaborate and cooperate with and assist district attorneys, county attorneys, the border prosecution unit, and other prosecutors in the investigation and prosecution of allegations of

criminal activity in the Texas-Mexico border region.

(b) The training program under Subsection (a) must include:

(1) information on:

(A) criminal activity occurring along the Texas-Mexico border, including drug trafficking and trafficking of persons and other activity carried out by cartels, transnational gangs, and other groups engaged in organized criminal activity; and

(B) methods for identifying northbound, southbound, and intrastate criminal activity associated with drug trafficking, trafficking of persons, and other organized criminal activity, including the provision of services to victims of trafficking;

(2) best practices for investigating and prosecuting the criminal activity described by Subdivision (1) and securing the Texas-Mexico border; and

(3) an overview of the department's operations at the Texas-Mexico border, including any collaboration with the United States Customs and Border Protection.

(c) The department shall identify opportunities for a peace officer described by Subsection (a) to assist in the department's duties related to border operations. The department may authorize the officer to assist in carrying out those duties.

(d) A peace officer authorized by the department to assist in carrying out duties related to the department's border operations as described by Subsection (c) is not entitled to compensation from the department for the assistance provided.

(e) The department may partner with federal agencies in administering the training program under Subsection (a) and facilitating any assistance provided by a peace officer under Subsection (c).

Added by Acts 2023, 88th Leg., R.S., Ch. 208 (S.B. 1484), Sec. 1, eff. September 1, 2023.

Redesignated from Government Code, Section 411.02093 by Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 22.001(12), eff. September 1, 2025.

Sec. 411.02095. STATEWIDE PROGRAM FOR THE PREVENTION AND

DETECTION OF CERTAIN CRIMINAL OFFENSES. (a) The department may establish a program throughout this state for preventing and detecting:

(1) the unlawful possession or the unlawful and imminent movement or transfer between this state and an adjacent state or the United Mexican States of:

(A) firearms, in violation of Section 46.14, Penal Code;

(B) controlled substances, in violation of Chapter 481, Health and Safety Code; or

(C) currency, in violation of Section 34.02, Penal Code; and

(2) the commission or imminent commission of the offenses of smuggling of persons under Section 20.05, Penal Code, and trafficking of persons under Section 20A.02, Penal Code, occurring in this state or involving travel between this state and an adjacent state or the United Mexican States.

(b) A peace officer participating in a program established under this section must have reasonable suspicion or probable cause to believe that firearms, controlled substances, or currency are unlawfully possessed or being unlawfully and imminently moved or transferred between this state and an adjacent state or the United Mexican States or that an offense described by Subsection (a)(2) has been committed or imminently will be committed, as applicable, before exercising the officer's authority under the program, including stopping a person or vehicle or coming into contact with a person.

(c) In developing the program, the department shall establish:

(1) clear guidelines and procedures to mitigate any unnecessary negative impact on the flow of trade, commerce, or daily business activities in locations where the program is implemented; and

(2) protocols, standards, and guidelines to minimize any intrusion on a person in an encounter with a peace officer exercising the officer's authority under the program.

(d) The department shall implement the program established

under this section in conjunction with federal and local law enforcement agencies.

(e) The director shall adopt rules as necessary to implement and administer a program established under this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 1221 (S.B. 1853), Sec. 1, eff. June 19, 2015.

Redesignated from Government Code, Section 411.0208 by Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 24.001(12), eff. September 1, 2017.

For expiration of this section, see Subsection (d).

Sec. 411.02096. REPORT REGARDING CERTAIN FIREARM STATISTICS. (a) Not later than January 31 of each year, the department shall collect information for the preceding calendar year related to the carrying of firearms by persons in this state, including:

(1) the number of persons who applied for a license to carry a handgun under Subchapter H compared to the yearly average number of people who applied for a license from 2010 through 2020; and

(2) any other relevant information related to the carrying of firearms by persons in this state.

(b) The department shall identify the entities that possess information required by Subsection (a) and require each entity to report the information to the department in the manner prescribed by the department.

(c) Not later than February 1 of each year, the department shall prepare and submit to the governor, the lieutenant governor, and each member of the legislature a report that includes the information described by Subsection (a).

(d) This section expires September 1, 2028.

Added by Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 7, eff. September 1, 2021.

Sec. 411.02097. FIREARM SAFETY. The department shall develop and post on the department's Internet website a course on firearm safety and handling. The course must be accessible to the

public free of charge.

Added by Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 7, eff. September 1, 2021.

Sec. 411.02098. TRANSNATIONAL REPRESSION TRAINING PROGRAM. (a) In this section:

(1) "Agent of a foreign government or foreign terrorist organization" and "agent" mean a person acting on behalf of or otherwise employed or controlled by a foreign government or foreign terrorist organization.

(2) "Foreign terrorist organization" has the meaning assigned by Section 71.01, Penal Code.

(3) "Peace officer" means an individual described by Article 2A.001, Code of Criminal Procedure.

(4) "Transnational repression" means conduct described by Section 76.045(b), Penal Code.

(b) The department shall develop a training program for peace officers regarding transnational repression. The training program must:

(1) prepare peace officers to:

(A) identify transnational repression;

(B) develop practices for preventing, reporting, and responding to transnational repression; and

(C) recognize communities targeted by transnational repression and misinformation that may be perpetuated by an agent of a foreign government or foreign terrorist organization; and

(2) include information about foreign governments and foreign terrorist organizations that are frequently involved in transnational repression and the methods those governments and organizations use.

(c) The department shall regularly update the training under Subsection (b) to address emerging threats and new transnational repression methods used by agents of a foreign government or foreign terrorist organization.

Added by Acts 2025, 89th Leg., R.S., Ch. 149 (S.B. 1349), Sec. 2, eff. September 1, 2025.

SUBCHAPTER B. TEXAS RANGERS

Sec. 411.021. COMPOSITION. The Texas Rangers are a major division of the department consisting of the number of rangers authorized by the legislature. The highest ranking officer of the Texas Rangers is responsible to and reports directly to the director. Officers are entitled to compensation as provided by the legislature.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 790, Sec. 11, eff. Sept. 1, 1993.

Sec. 411.022. AUTHORITY OF OFFICERS. (a) An officer of the Texas Rangers is governed by the law regulating and defining the powers and duties of sheriffs performing similar duties, except that the officer may make arrests, execute process in a criminal case in any county and, if specially directed by the judge of a court of record, execute process in a civil case.

(b) An officer of the Texas Rangers who arrests a person charged with a criminal offense shall immediately convey the person to the proper officer of the county where the person is charged and shall obtain a receipt. The state shall pay all necessary expenses incurred under this subsection.

(c) An officer of the Texas Rangers has the authority to investigate offenses against public administration prosecuted under Subchapter B-1.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 4, eff. September 1, 2015.

Sec. 411.0221. QUALIFICATIONS. (a) To be commissioned as an officer of the Texas Rangers, a person must:

(1) have at least eight years of experience as a full-time, paid peace officer, including at least four years of experience in the department; and

(2) be a commissioned member of the department.

(b) The Texas Rangers is an equal employment opportunity employer; all personnel decisions shall be made without regard to race, color, sex, national origin, or religion.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 12, eff. Sept. 1, 1993.

Sec. 411.0222. ELIGIBILITY FOR PROMOTION. Except as provided by Section 411.0223, an officer of the Texas Rangers is eligible for promotion only if the officer has served in the next lower position for at least two years before the date of promotion.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 12, eff. Sept. 1, 1993.

Sec. 411.0223. APPOINTMENT OF HIGHEST-RANKING OFFICERS. (a) Except as provided by Subsection (c), an officer is eligible for appointment by the director to chief of the Texas Rangers only if the officer has at least five years of supervisory experience as a commissioned member of the Texas Rangers.

(b) Except as provided by Subsection (c), an officer is eligible for appointment by the director to assistant chief of the Texas Rangers only if the officer has at least four years of supervisory experience as a commissioned member of the Texas Rangers.

(c) If there are fewer than two qualified officers for appointment to chief or assistant chief of the Texas Rangers, the director may appoint an officer to the position of chief or assistant chief of the Texas Rangers only if the officer has at least two years of supervisory experience as a commissioned member of the Texas Rangers.

(d) Except as provided by Subsection (e), an officer is eligible for appointment by the director to the rank of major of the Texas Rangers only if the officer has at least one year of supervisory experience as a captain of the Texas Rangers.

(e) If there are fewer than two qualified captains for appointment to the rank of major of the Texas Rangers, the director may appoint a lieutenant to the position of major of the Texas Rangers only if the lieutenant has at least two years of supervisory experience as a commissioned member of the Texas Rangers.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 12, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1082 (H.B. 3412), Sec. 1, eff. September 1, 2013.

Sec. 411.023. SPECIAL RANGERS. (a) The commission may appoint as special rangers honorably retired commissioned officers of the department and not more than 300 other persons.

(b) A special ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special ranger may not enforce a law except one designed to protect life and property and may not enforce a law regulating the use of a state highway by a motor vehicle. A special ranger is not connected with a ranger company or uniformed unit of the department.

(c) Before issuance of a commission to a special ranger the person shall enter into a good and sufficient bond executed by a surety company authorized to do business in the state in the amount of $2,500, approved by the director, and indemnifying all persons against damages resulting from an unlawful act of the special ranger.

(d) A special ranger is not entitled to compensation from the state for service as a special ranger.

(e) A special ranger commission expires January 1 of the first odd-numbered year after appointment. The director may revoke a special ranger commission at any time for cause.

(f) The commission shall authorize a badge for persons appointed as special rangers under this section that is distinct in appearance from the badge authorized for special Texas Rangers under Section 411.024 and from any badge issued to a Texas Ranger.
Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 9, eff. Sept. 1, 1999.

Sec. 411.024. SPECIAL TEXAS RANGERS. (a) The commission may appoint as a special Texas Ranger an honorably retired or retiring commissioned officer of the department whose position immediately preceding retirement is an officer of the Texas

Rangers.

(b) A special Texas Ranger is subject to the orders of the commission and the governor for special duty to the same extent as other law enforcement officers provided for by this chapter, except that a special Texas Ranger may not enforce a law except one designed to protect life and property and may not enforce a law regulating the use of a state highway by a motor vehicle. A special Texas Ranger is not connected with a ranger company or uniformed unit of the department.

(c) Before issuance of a commission to a special Texas Ranger the person shall enter into a good and sufficient bond executed by a surety company authorized to do business in the state in the amount of $2,500, approved by the director, and indemnifying all persons against damages resulting from an unlawful act of the special Texas Ranger.

(d) A special Texas Ranger is not entitled to compensation from the state for service as a special Texas Ranger.

(e) A special Texas Ranger commission expires January 1 of the first odd-numbered year after appointment. The commission may revoke the commission of a special Texas Ranger who commits a violation of a rule of the department for which an active officer of the Texas Rangers would be discharged.

(f) The commission shall authorize a badge for persons appointed as special Texas Rangers under this section that is distinct in appearance from the badge authorized for special rangers under Section 411.023.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 10, eff. Sept. 1, 1999.

SUBCHAPTER B-1. PUBLIC INTEGRITY UNIT

Sec. 411.0251. DEFINITIONS. In this subchapter:

(1) "Offense" means a prohibited act for which state law imposes a criminal or civil penalty.

(2) "Prosecuting attorney" means a district attorney, criminal district attorney, or county attorney.

(3) "State agency" means a department, commission,

board, office, council, authority, or other agency in the executive branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(4) "State employee" means an individual, other than a state officer, who is employed by:

(A) a state agency;

(B) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of appeals, or the Texas Judicial Council; or

(C) either house of the legislature or a legislative agency, council, or committee, including the Legislative Budget Board, the Texas Legislative Council, the State Auditor's Office, and the Legislative Reference Library.

(5) "State officer" means an elected officer, an appointed officer, a salaried appointed officer, an appointed officer of a major state agency, or the executive head of a state agency.

Added by Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 1, eff. September 1, 2015.

Sec. 411.0252. OFFENSES AGAINST PUBLIC ADMINISTRATION. For purposes of this subchapter, the following are offenses against public administration:

(1) an offense under Title 8, Penal Code, committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment;

(2) an offense under Chapter 301, 302, 571, 572, or 2004 committed by a state officer or a state employee in connection with the powers and duties of the state office or state employment or by a candidate for state office;

(3) an offense under Chapter 573 committed by a state officer in connection with the powers and duties of the state office; and

(4) an offense under Title 15, Election Code, committed in connection with:

(A) a campaign for or the holding of state

office; or

(B) an election on a proposed constitutional amendment.

Added by Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 1, eff. September 1, 2015.

Sec. 411.0253. PUBLIC INTEGRITY UNIT. (a) The Texas Rangers division of the department shall establish and support a public integrity unit.

(b) On receiving a formal or informal complaint regarding an offense against public administration or on request of a prosecuting attorney or law enforcement agency, the public integrity unit may perform an initial investigation into whether a person has committed an offense against public administration.

(c) The Texas Rangers have authority to investigate an offense against public administration, any lesser included offense, and any other offense arising from conduct that constitutes an offense against public administration.

(d) If an initial investigation by the public integrity unit demonstrates a reasonable suspicion that an offense against public administration occurred, the matter shall be referred to the prosecuting attorney of the county in which venue is proper under Section 411.0256 of this code or Chapter 13A, Code of Criminal Procedure, as applicable.

(e) The public integrity unit shall, on request of the prosecuting attorney described by Subsection (d), assist the attorney in the investigation of an offense against public administration.

Added by Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.084, eff. January 1, 2025.

Sec. 411.0254. NOTIFICATION REGARDING DISPOSITION OF CASE. The prosecuting attorney shall notify the public integrity unit of:

(1) the termination of a case investigated by the public integrity unit; or

(2) the results of the final disposition of a case investigated by the public integrity unit, including the final adjudication or entry of a plea.

Added by Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 1, eff. September 1, 2015.

Sec. 411.0255. DISQUALIFICATION OF PROSECUTING ATTORNEY OR JUDGE; SELECTION OF PROSECUTING ATTORNEY BY PRESIDING JUDGE OF ADMINISTRATIVE JUDICIAL REGION. (a) In this section, "presiding judges" means the presiding judges of the administrative judicial regions.

(b) A prosecuting attorney may request that the court with jurisdiction over the complaint permit the attorney to recuse himself or herself for good cause in a case investigated under this subchapter, and on submitting the notice of recusal, the attorney is disqualified.

(b-1) The judge of a court with jurisdiction over a complaint may request that the presiding judges permit the judge to recuse himself or herself for good cause in a case investigated under this subchapter, and on submitting the notice of recusal, the judge is disqualified.

(b-2) The public integrity unit shall inform the judge of the court with jurisdiction over a complaint if the prosecuting attorney is disqualified for purposes of Article 2A.104, Code of Criminal Procedure, because the prosecuting attorney is the subject of a criminal investigation under this subchapter based on credible evidence of criminal misconduct. On showing that the prosecuting attorney is the subject of the investigation, the judge shall order the prosecuting attorney disqualified under Article 2A.105, Code of Criminal Procedure.

(b-3) If the judge of the court with jurisdiction over a complaint described by Subsection (b-2) is also disqualified, the public integrity unit shall inform the presiding judges of the prosecuting attorney's disqualification under that subsection.

(b-4) The public integrity unit shall inform the presiding

judges if a judge of a court with jurisdiction over a complaint is disqualified because the judge is the subject of a criminal investigation under this subchapter based on credible evidence of criminal misconduct. On showing that the judge is the subject of the investigation, the presiding judges shall order the judge disqualified. Disqualification under this subsection applies only to the judge's access to the criminal investigation pending against the judge and to any prosecution of a criminal charge resulting from that investigation.

(c) Following the disqualification or recusal of a prosecuting attorney under this section, the presiding judges shall appoint a prosecuting attorney from another county in that administrative judicial region by majority vote. A prosecuting attorney selected under this subsection has the authority to represent the state in the prosecution of the offense.

(c-1) Following the disqualification of a judge of a court with jurisdiction over a complaint under this section, the presiding judges by majority vote shall appoint a judge from a county within the administrative judicial region. A judge selected under this subsection has jurisdiction over the complaint.

(d) The prosecutor selected under this section may pursue a waiver to extend the statute of limitations by no more than two years. If the waiver adds less than two years to limitations, the prosecutor may pursue a successive waiver for good cause shown to the court, providing that the total time of all waivers does not exceed two years.

Added by Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1296 (H.B. 3531), Sec. 1, eff. June 14, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1296 (H.B. 3531), Sec. 2, eff. June 14, 2019.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.085, eff. January 1, 2025.

Sec. 411.0256. VENUE. Notwithstanding Chapter 13A, Code

of Criminal Procedure, or other law, if the defendant is a natural person, venue for prosecution of an offense against public administration and lesser included offenses arising from the same transaction is the county in which the defendant resided at the time the offense was committed.

Added by Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.086, eff. January 1, 2025.

Sec. 411.0257. RESIDENCE. For the purposes of this subchapter, a person resides in the county where that person:

(1) claims a residence homestead under Chapter 41, Property Code, if that person is a member of the legislature;

(2) claimed to be a resident before being subject to residency requirements under Article IV, Texas Constitution, if that person is a member of the executive branch of this state;

(3) claims a residence homestead under Chapter 41, Property Code, if that person is a justice on the supreme court or judge on the court of criminal appeals; or

(4) otherwise claims residence if no other provision of this section applies.

Added by Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 1, eff. September 1, 2015.

Sec. 411.0258. COOPERATION OF STATE AGENCIES AND LOCAL LAW ENFORCEMENT AGENCIES. (a) To the extent allowed by law, a state agency or local law enforcement agency shall cooperate with the public integrity unit and prosecuting attorney by providing resources and information requested by the unit as necessary to carry out the purposes of this subchapter.

(b) Information disclosed under this section is confidential and not subject to disclosure under Chapter 552.

Added by Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 1, eff. September 1, 2015.

Sec. 411.0259. SUBPOENAS. (a) In connection with an investigation of an alleged offense against public administration, the public integrity unit may issue a subpoena to compel the production, for inspection or copying, of relevant evidence that is in this state.

(b) A subpoena may be served personally or by certified mail.

(c) If a person fails to comply with a subpoena, the public integrity unit, acting through the general counsel of the department, may file suit to enforce the subpoena in a district court in this state. On finding that good cause exists for issuing the subpoena, the court shall order the person to comply with the subpoena. The court may punish a person who fails to obey the court order.

Added by Acts 2015, 84th Leg., R.S., Ch. 927 (H.B. 1690), Sec. 1, eff. September 1, 2015.

SUBCHAPTER C. TEXAS HIGHWAY PATROL

Sec. 411.031. COMPOSITION. The Texas Highway Patrol is a division of the department consisting of the chief patrol officer, the number of captains, sergeants, and privates authorized by the legislature, and administrative and clerical help as the commission determines. A person's literary attainment does not preclude the person's appointment as a private if the person is otherwise qualified. The chief patrol officer is the executive officer of the patrol. Officers are entitled to compensation as provided by the legislature.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.032. POWERS AND DUTIES OF OFFICERS. In addition to the powers and duties provided by law for the officers, noncommissioned officers, and enlisted persons of the Texas Highway Patrol, they have the powers and authority provided by law for members of the Texas Rangers force.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.033. CERTAIN EQUIPMENT FOR VEHICLES. The department shall equip all motor vehicles used by officers of the Texas Highway Patrol in discharging the officers' official duties with bullet-resistant windshields.

Added by Acts 2021, 87th Leg., R.S., Ch. 980 (S.B. 2222), Sec. 1, eff. June 18, 2021.

SUBCHAPTER C-1. ORGANIZED OILFIELD THEFT PREVENTION UNIT

Sec. 411.035. DEFINITIONS. In this subchapter:

(1) "Oil and gas equipment" means machinery, drilling equipment, welding equipment, pipe, fittings, pumps, vehicles, or other equipment used in the drilling or maintenance of oil and gas wells, in the production of oil and gas, or to transport petroleum products.

(2) "Petroleum product" has the meaning assigned by Section 31.19(a), Penal Code.

(3) "Unit" means the organized oilfield theft prevention unit established under this subchapter.

Added by Acts 2025, 89th Leg., R.S., Ch. 259 (H.B. 48), Sec. 1, eff. May 29, 2025.

Sec. 411.036. ORGANIZED OILFIELD THEFT PREVENTION UNIT. (a) The director shall create an organized oilfield theft prevention unit to be operated by the department.

(b) The unit may investigate and arrest individuals determined to have committed an offense under:

(1) Section 31.19, Penal Code; or

(2) Section 31.03, Penal Code, if the unlawfully appropriated property includes oil and gas equipment.

(c) The unit shall coordinate with federal, state, and local law enforcement agencies, attorneys representing the state, the Railroad Commission of Texas, and any person who is a victim of an offense described by Subsection (b) as necessary to carry out the duties of the unit.

(d) The director shall designate a command structure within the department to supervise the operations of the unit.

(e) The director shall adopt rules, subject to commission approval, as necessary for the control and general administration of the unit, including rules:

(1) governing the procurement of facilities and equipment for the unit;

(2) regarding required training for unit personnel; and

(3) regarding working conditions of unit personnel.

Added by Acts 2025, 89th Leg., R.S., Ch. 259 (H.B. 48), Sec. 1, eff. May 29, 2025.

Sec. 411.037. JURISDICTION; HEADQUARTERS. (a) The unit has statewide jurisdiction but shall operate primarily within the designated region of the department that is adjacent to the international border and contains the city of El Paso. The unit's headquarters must be located in that region.

(b) The department, subject to commission approval, may establish in any department region one or more additional regional offices of the unit to assist in the duties of the unit.

Added by Acts 2025, 89th Leg., R.S., Ch. 259 (H.B. 48), Sec. 1, eff. May 29, 2025.

Sec. 411.038. UNIT DUTIES. The unit, together with the department, shall:

(1) develop and deploy to local law enforcement agencies specialized training, resources, and policing strategies tailored to investigating and preventing offenses described by Section 411.036(b);

(2) conduct public outreach and awareness initiatives to educate industry professionals and communities regarding offenses described by Section 411.036(b); and

(3) maintain a centralized database for tracking offenses described by Section 411.036(b) and related criminal enterprises.

Added by Acts 2025, 89th Leg., R.S., Ch. 259 (H.B. 48), Sec. 1, eff. May 29, 2025.

Sec. 411.039. BIENNIAL REPORT. Not later than January 1 of each odd-numbered year, the department shall prepare and submit to the governor, the lieutenant governor, the speaker of the house of representatives, and each standing committee of the legislature with primary jurisdiction over natural resources or criminal justice matters a written report that:

(1) summarizes the unit's activities and evaluates the unit's effectiveness during the preceding two-year period, including by providing statistics regarding any arrests made by the unit and any prosecutions that resulted from those arrests or assets that were recovered as a result of those arrests; and

(2) provides recommendations for legislative or administrative action to improve the effectiveness of the unit.

Added by Acts 2025, 89th Leg., R.S., Ch. 259 (H.B. 48), Sec. 1, eff. May 29, 2025.

SUBCHAPTER D. ADMINISTRATIVE DIVISION

Sec. 411.041. COMPOSITION. The administrative division of the department consists of the bureaus of identification and records, communications, intelligence, and training. The director, with the advice and consent of the commission, shall employ chiefs, experts, operators, instructors, and assistants as necessary for the operation of this division and its bureaus.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.042. BUREAU OF IDENTIFICATION AND RECORDS. (a) The director shall appoint, with the advice and consent of the commission, a chief of the bureau of identification and records to be the executive officer of the bureau. The chief and at least one assistant must be recognized identification experts with at least three years' actual experience.

(b) The bureau of identification and records shall:

(1) procure and file for record photographs, pictures, descriptions, fingerprints, measurements, and other pertinent information of all persons arrested for or charged with a criminal offense or convicted of a criminal offense, regardless of whether

the conviction is probated;

(2) collect information concerning the number and nature of offenses reported or known to have been committed in the state and the legal steps taken in connection with the offenses, and other information useful in the study of crime and the administration of justice, including information that enables the bureau to create a statistical breakdown of:

(A) offenses in which family violence was involved;

(B) offenses under Sections 22.011 and 22.021, Penal Code; and

(C) offenses under Sections 20A.02, 43.02, 43.021, 43.03, 43.031, 43.04, 43.041, and 43.05, Penal Code;

(3) make ballistic tests of bullets and firearms and chemical analyses of bloodstains, cloth, materials, and other substances for law enforcement officers of the state;

(4) cooperate with identification and crime records bureaus in other states and the United States Department of Justice;

(5) maintain a list of all previous background checks for applicants for any position regulated under Chapter 1702, Occupations Code, who have undergone a criminal history background check as required by that chapter, if the check indicates a Class B misdemeanor or equivalent offense or a greater offense;

(6) collect information concerning the number and nature of protective orders and magistrate's orders of emergency protection and all other pertinent information about all persons subject to active orders, including pertinent information about persons subject to conditions of bond imposed for the protection of the victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case. Information in the law enforcement information system relating to an active order shall include:

(A) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed;

(B) any known identifying number of the person to

whom the order is directed, including the person's social security number or driver's license number;

(C) the name and county of residence of the person protected by the order;

(D) the residence address and place of employment or business of the person protected by the order;

(E) the child-care facility or school where a child protected by the order normally resides or which the child normally attends;

(F) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed;

(G) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case;

(H) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and

(I) the date the order expires;

(7) grant access to criminal history record information in the manner authorized under Subchapter F;

(8) collect and disseminate information regarding offenders with mental impairments in compliance with Chapter 614, Health and Safety Code; and

(9) record data and maintain a state database for a computerized criminal history record system and computerized juvenile justice information system that serves:

(A) as the record creation point for criminal history record information and juvenile justice information maintained by the state; and

(B) as the control terminal for the entry of records, in accordance with federal law and regulations, federal executive orders, and federal policy, into the federal database maintained by the Federal Bureau of Investigation.

(c) The bureau chief shall offer assistance and, if practicable, instruction to sheriffs, chiefs of police, and other

peace officers in establishing efficient local bureaus of identification in their districts.

(d) The department may charge each person and charge each entity or agency that is not primarily a criminal justice agency a fee for processing inquiries for information that is not criminal history record information regarding a person. A person, entity, or agency that receives information must be entitled to receive the information under state or federal statutes, rules, regulations, or case law. The department may charge actual costs for processing all inquiries under this section.

(e) The department shall deposit all fees collected under this section in the operators and chauffeurs license fund.

(f) The department may keep any record or other information submitted to the department under this section, unless otherwise prohibited by law.

(g) The department may adopt reasonable rules under this section relating to:

(1) law enforcement information systems maintained by the department;

(2) the collection, maintenance, and correction of records;

(3) reports of criminal history information submitted to the department;

(4) active protective orders and reporting procedures that ensure that information relating to the issuance and dismissal of an active protective order is reported to the local law enforcement agency at the time of the order's issuance or dismissal and entered by the local law enforcement agency in the state's law enforcement information system;

(5) the collection of information described by Subsection (h);

(6) a system for providing criminal history record information through the criminal history clearinghouse under Section 411.0845; and

(7) active conditions of bond imposed on a defendant for the protection of a victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case,

and reporting procedures that ensure that information relating to the issuance, modification, or removal of the conditions of bond is reported, at the time of the issuance, modification, or removal, to:

(A) the victim or, if the victim is deceased, a close relative of the victim; and

(B) the local law enforcement agency for entry by the local law enforcement agency in the state's law enforcement information system.

(h) Information collected to perform a statistical breakdown of offenses under Sections 22.011 and 22.021, Penal Code, as required by Subsection (b)(2) must include information indicating the specific offense committed and information regarding:

(1) the victim;

(2) the offender and the offender's relationship to the victim;

(3) any weapons used or exhibited in the commission of the offense; and

(4) any injuries sustained by the victim.

(i) A law enforcement agency shall report offenses under Section 22.011 or 22.021, Penal Code, to the department in the form and manner and at regular intervals as prescribed by rules adopted by the department. The report must include the information described by Subsection (h).

(j) The department may contract with private vendors as necessary in implementing this section.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 490, Sec. 1, eff. Sept. 1, 1989; Acts 1989, 71st Leg., ch. 1225, Sec. 2, eff. Sept. 1, 1989; Acts 1991, 72nd Leg., 1st C.S., ch. 5, Sec. 5.01, eff. Sept. 1, 1991; Acts 1991, 72nd Leg., 2nd C.S., ch. 10, Sec. 7.03, 7.04, eff. Dec. 1, 1991; Acts 1993, 73rd Leg., ch. 790, Sec. 13, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 324, Sec. 2, 3, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 974, Sec. 38, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 14.751, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 70 (H.B. 76), Sec. 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1306 (S.B. 839), Sec. 6, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 15, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 11.002, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 11.003, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(22), eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.01, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 515 (H.B. 2014), Sec. 3.02, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 760 (S.B. 893), Sec. 3, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 243 (S.B. 737), Sec. 5, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1133 (S.B. 147), Sec. 6, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 422 (S.B. 1242), Sec. 4, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 858 (H.B. 2552), Sec. 10, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 90 (S.B. 2390), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 413 (S.B. 20), Sec. 3.08, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 5.113, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 955 (S.B. 194), Sec. 10, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 807 (H.B. 1540), Sec. 42, eff. September 1, 2021.

Sec. 411.0421. INFORMATION REGARDING FRAUDULENT USE OF IDENTIFICATION. (a) The department shall create a record of each individual who:

(1) in conjunction with the attorney representing the state in the prosecution of felonies in the county in which the individual resides and the sheriff of that county or, if the individual is not a resident of a county in this state, the attorney and sheriff in a county that the individual frequents, signs a declaration that the individual's identity has been used by another person to frustrate proper law enforcement without the individual's consent; and

(2) files that declaration with the department.

(b) A declaration filed under this section must include:

(1) the individual's name, social security number, driver's license number, date of birth, and other identifying data requested by the department;

(2) a statement that the individual's name, social security number, driver's license number, date of birth, or other data has been used by another person to frustrate proper law enforcement; and

(3) a name, word, number, letter, or combination of 30 or fewer characters designated by the individual as a unique password to verify the individual's identity.

(c) On receipt of a declaration under this section, the department shall create a record of the individual's identity, including a record of the individual's unique password, in the criminal history record information maintained by the department under Subchapter F. The department shall ensure that this record, including the unique password, is available online to any entity authorized to receive information from the department under Subchapter F.

Added by Acts 1999, 76th Leg., ch. 1334, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 945, Sec. 4, eff. June 14, 2001.

Sec. 411.043. BUREAU OF COMMUNICATIONS. (a) The director, with the advice and consent of the commission, shall appoint the

chief of the bureau of communications.

(b) The bureau of communications shall:

(1) provide for the rapid exchange between law enforcement agencies of the state, counties, municipalities, other states, and the federal government of information concerning the commission of crimes and the detection of violators of the law; and

(2) establish and operate, in coordination with state, county, and municipal law enforcement agencies, a state roads blockade system.

(c) If funds are provided, the bureau of communications may install and operate a police radio broadcasting system for broadcasting information concerning the activities of violators of the law and for directing the activities and functions of the law enforcement agencies of the state, counties, and municipalities. The bureau shall cooperate with county and municipal police authorities and police radio stations in this state and other states.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.044. BUREAU OF INTELLIGENCE. (a) The director, with the advice and consent of the commission, shall appoint the chief of the bureau of intelligence.

(b) The bureau of intelligence shall:

(1) accumulate and analyze, with the aid of the other department divisions and bureaus, information of crime activities in the state and make the information available for use of the department and county and municipal law enforcement agencies; and

(2) aid in the detection and apprehension of violators of the law.

Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.045. BUREAU OF TRAINING. (a) The director, with the advice and consent of the commission, shall appoint the chief of the bureau of training. The chief must have substantial experience in law enforcement and in instruction of law enforcement officers.

(b) The bureau of training shall:

(1) establish and operate schools for training

department personnel in their duties and functions;

(2) establish and operate schools for training county and municipal police officers who are selected to attend the schools by the authorities of the law enforcement agencies that employ them; and

(3) establish and carry out a comprehensive plan for the education of citizens of this state in matters of public safety and crime prevention and detection.

(c) The chief of the bureau of training shall organize schools for department members and other peace officers and give instruction in the schools.

(d) The adjutant general shall provide, for use of the bureau of training in conducting its training schools, suitable buildings, land, and state-owned equipment at Camp Mabry in Austin. Acts 1987, 70th Leg., ch. 147, Sec. 1, eff. Sept. 1, 1987.

Sec. 411.046. HATE CRIME REPORTING. (a) The bureau of identification and records shall establish and maintain a central repository for the collection and analysis of information relating to crimes that are motivated by prejudice, hatred, or advocacy of violence, including, but not limited to, incidents for which statistics are or were kept under Public Law No. 101-275, as that law existed on July 3, 1996. On establishing the repository, the department shall develop a procedure to monitor, record, classify, and analyze information relating to incidents directed against persons and property that are apparently motivated by the factors listed in this subsection.

(b) Local law enforcement agencies shall report offenses described by Subsection (a) in the form and manner and at regular intervals as prescribed by rules adopted by the department. The department shall summarize and analyze information received under this subsection and file an annual report with the governor and legislature containing the summary and analysis.

(c) The department shall make information, records, and statistics collected under this section available to any local enforcement agency, political subdivision, or state agency to the extent the information is reasonably necessary or useful to the

agency or subdivision in carrying out duties imposed by law on the agency or subdivision. This subsection may not be construed to limit access to information, records, or statistics which access if permitted by other law. Dissemination of the names of defendants and victims is subject to all confidentiality requirements otherwise imposed by law.

Added by Acts 1991, 72nd Leg., 2nd C.S., ch. 10, Sec. 21A.01, eff. Oct. 1, 1991. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 11, eff. Sept. 1, 1999.

Sec. 411.047. REPORTING RELATED TO CERTAIN HANDGUN INCIDENTS INVOLVING LICENSE HOLDERS. (a) The department may maintain statistics on its website related to responses by law enforcement agencies to incidents in which a person licensed to carry a handgun under Subchapter H is convicted of an offense only if the offense is prohibited under Subchapter H or under Title 5, Chapter 29, Chapter 46, or Section 30.02, Penal Code.

(b) Such statistics shall be drawn and reported annually from the Department of Public Safety computerized criminal history file on persons 21 years of age and older and shall be compared in numerical and graphical format to all like offenses committed in the state for the reporting period as a percentage of the total of such reported offenses.

(c) The department by rule shall adopt procedures for local law enforcement to make reports to the department described by Subsection (a).

Added by Acts 1995, 74th Leg., ch. 229, Sec. 6, eff. Sept. 1, 1995. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 10.06, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 1189, Sec. 12, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1146, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 14, eff. January 1, 2016.

Sec. 411.048. THREATS AGAINST PEACE OFFICERS AND DETENTION OFFICERS. (a) In this section:

(1) "Criminal justice agency" has the meaning assigned

by Article 66.001, Code of Criminal Procedure.

(2) "Peace officer" has the meaning assigned by Section 1.07, Penal Code.

(3) "Detention officer" means a person who is employed to ensure the safekeeping of prisoners and the security of a municipal or county jail.

(b) The bureau of identification and records shall establish and maintain a central index in the law enforcement information system maintained by the department to:

(1) collect and disseminate information relating to an individual's expression of intent to inflict serious bodily injury or death on a peace officer or detention officer; and

(2) alert a peace officer or detention officer of an expression of intent to inflict serious bodily injury or death on the officer.

(c) A criminal justice agency, after making each determination required under Subsection (d), shall immediately enter into the information system an electronic report of an individual who expresses an intent to inflict serious bodily injury or death on a peace officer or detention officer. The agency shall enter the information in the form and manner provided by rules adopted by the director.

(d) Before entering information collected under this section into the information system, a criminal justice agency must determine that the report described by Subsection (c):

(1) is not from an anonymous source; and

(2) consists of an expression of intent to inflict serious bodily injury or death on a peace officer or detention officer.

(e) On proper inquiry into the information system, the department shall disseminate information collected under this section to a criminal justice agency as reasonably necessary to protect the safety of a peace officer or detention officer. The criminal justice agency may use information disseminated under this subsection in the manner provided by rules adopted by the director.

(f) The department shall promptly respond to a request to disclose information collected under this section by an individual

who is the subject of the information.

(g) An individual who is the subject of information collected under this section may request that the director, the director's designee, or a court review the information to determine whether the information complies with rules adopted by the director. The review shall be conducted using the same procedure for reviewing criminal information collected under Chapter 67, Code of Criminal Procedure.

(h) A peace officer, detention officer, or criminal justice agency is not liable for an act or omission relating to the collection, use, or dissemination of information collected under this section in accordance with rules adopted by the director.

(i) The director may adopt rules to implement and enforce this section. Any rule adopted by the director under this section must comply with the provisions of the Code of Federal Regulations, Title 28, Part 23, as it applies to criminal intelligence systems.

Added by Acts 2001, 77th Leg., ch. 474, Sec. 3, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 557 (H.B. 1262), Sec. 1, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 557 (H.B. 1262), Sec. 2, eff. September 1, 2005.

Acts 2017, 85th Leg., R.S., Ch. 1058 (H.B. 2931), Sec. 4.07, eff. January 1, 2019.

Acts 2017, 85th Leg., R.S., Ch. 1058 (H.B. 2931), Sec. 4.08, eff. January 1, 2019.

Sec. 411.0485. PROTECTION FOR JUDGES. Any commissioned peace officer in this state, including a commissioned officer of the department, may provide personal security to a state judge at any location in this state, regardless of the location of the law enforcement agency or department that employs or commissions the peace officer.

Added by Acts 2017, 85th Leg., R.S., Ch. 190 (S.B. 42), Sec. 16, eff. September 1, 2017.

Sec. 411.049. REPORT RELATED TO CERTAIN INTOXICATION

OFFENSES. (a) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

(b) The department shall compile and maintain statistical information on the prosecution of offenses relating to the operating of a motor vehicle while intoxicated, including:

(1) the number of arrests;

(2) the number of arrests resulting in release with no charges;

(3) the number of charges resulting in a plea of not guilty and a trial;

(4) the number of charges resulting in a plea of guilty or nolo contendere;

(5) the number of charges resulting in a conviction of the offense charged in the original information, indictment, complaint, or other charging instrument;

(6) the number of charges resulting in a conviction of an offense other than the offense charged in the original information, indictment, complaint, or other charging instrument; and

(7) the number of charges resulting in a dismissal.

(c) Each law enforcement agency that enforces Chapter 49, Penal Code, and each appropriate prosecuting attorney's office and court in this state shall report in the manner and on a form prescribed by the department the information necessary for the department to compile the information required by Subsection (b).

(d) The department shall identify law enforcement agencies, prosecuting attorney's offices, and courts required to report under Subsection (c) that fail to timely report or that report incomplete information to the department.

(e) The department shall submit to the legislature not later than February 15 of each year a report of the statistical information described in Subsection (b) compiled for the preceding calendar year. The report must include a list of the law enforcement agencies, prosecuting attorney's offices, and courts identified by the department under Subsection (d).

(f) The department may adopt rules to implement this

section.

Added by Acts 2011, 82nd Leg., R.S., Ch. 889 (S.B. 364), Sec. 1, eff. September 1, 2011.

Sec. 411.050. CRIME STATISTIC MAPPING. The department, in conjunction with Texas State University, may annually produce maps of the state that include information regarding crime statistics correlated with the various regions of the state.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 13, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 386, Sec. 10, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 30 (S.B. 974), Sec. 12, eff. September 1, 2013.

Sec. 411.051. ANALYSIS OF INFORMATION IDENTIFYING PERSONS COMMITTING OR SUSPECTED OF COMMITTING CERTAIN PROPERTY OFFENSES AGAINST ELDERLY INDIVIDUALS. (a) This section applies to an offense under Chapter 31 or 32, Penal Code, or any other offense under that code involving an intent to steal or defraud if the offense was committed against an elderly individual as defined by Section 22.04(c), Penal Code.

(b) For purposes of this section, the victim's status as an elderly individual is determined according to the victim's age at the time of the offense.

(c) A law enforcement agency that investigates an offense described by Subsection (a) shall report the investigation to the department in the form and manner and at regular intervals as prescribed by rules adopted by the department. The rules must require submission of the original investigative report and any supplemental investigative report containing new, significant information.

(d) To identify a person committing or suspected of committing an offense described by Subsection (a) or a victim of an offense described by that subsection, the department shall analyze information received under this section and any other corresponding information possessed by the department.

(e) The department shall make the analysis required by this section available to any local law enforcement agency, political subdivision, or state agency to the extent the analysis is reasonably necessary or useful to the agency or subdivision in carrying out duties imposed by law on the agency or subdivision. This subsection may not be construed to enable direct access by a person to information analyzed by the department under this section if the person does not otherwise have direct access to that information. Dissemination of the analysis required by this section is subject to all confidentiality requirements imposed by other law.

Added by Acts 2001, 77th Leg., ch. 789, Sec. 1, eff. Sept. 1, 2001.

Sec. 411.052. FEDERAL FIREARM REPORTING.

(a) In this section, "federal prohibited person information" means information that identifies:

(1) an individual who is at least 16 years of age as:

(A) a person ordered by a court to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(B) a person acquitted in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered by a court to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(C) a person determined to have an intellectual disability and committed by a court for long-term placement in a residential care facility under Chapter 593, Health and Safety Code; or

(D) a person determined to be incompetent to stand trial under Chapter 46B, Code of Criminal Procedure;

(2) a child who is at least 16 years of age and has been:

(A) found unfit to proceed under Subchapter C, Chapter 55, Family Code, as a result of mental illness or an intellectual disability;

(B) found not responsible for the child's conduct

under Subchapter D, Chapter 55, Family Code, as a result of mental illness or an intellectual disability;

(C) ordered by a court to receive inpatient mental health services under Subchapter B, C, or D, Chapter 55, Family Code, as a result of mental illness; or

(D) committed by a court to a residential care facility under Subchapter C or D, Chapter 55, Family Code, as a result of an intellectual disability; or

(3) an incapacitated adult person for whom a court has appointed a guardian of the person under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage the person's affairs.

(b) The department by rule shall establish a procedure to provide federal prohibited person information to the Federal Bureau of Investigation for use with the National Instant Criminal Background Check System. Except as otherwise provided by state law, the department may disseminate federal prohibited person information under this subsection only to the extent necessary to allow the Federal Bureau of Investigation to collect and maintain a list of persons who are prohibited under federal law from engaging in certain activities with respect to a firearm.

(c) The department shall grant access to federal prohibited person information to the person who is the subject of the information.

(d) Federal prohibited person information maintained by the department is confidential information for the use of the department and, except as otherwise provided by this section and other state law, may not be disseminated by the department.

(e) The department by rule shall establish a procedure to correct department records and transmit those corrected records to the Federal Bureau of Investigation when a person provides:

(1) a copy of a judicial order or finding that a person is no longer an incapacitated adult or is entitled to relief from disabilities under Section 574.088, Health and Safety Code; or

(2) proof that the person has obtained notice of relief from disabilities under 18 U.S.C. Section 925.

Added by Acts 2009, 81st Leg., R.S., Ch. 950 (H.B. 3352), Sec. 1,

eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 22.034, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 30 (H.B. 446), Sec. 5.06, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 341 (S.B. 728), Sec. 1, eff. September 1, 2023.

Sec. 411.0521. REPORT TO DEPARTMENT CONCERNING CERTAIN PERSONS' ACCESS TO FIREARMS.

(a) The clerk of the court shall prepare and forward to the department the information described by Subsection (b) not later than the 30th day after the date the court:

(1) performs any of the following actions:

(A) with respect to an individual who is at least 16 years of age:

(i) orders a person to receive inpatient mental health services under Chapter 574, Health and Safety Code;

(ii) acquits a person in a criminal case by reason of insanity or lack of mental responsibility, regardless of whether the person is ordered to receive inpatient treatment or residential care under Chapter 46C, Code of Criminal Procedure;

(iii) commits a person determined to have an intellectual disability for long-term placement in a residential care facility under Chapter 593, Health and Safety Code;

(iv) determines a person is incompetent to stand trial under Chapter 46B, Code of Criminal Procedure; or

(v) finds a person is entitled to relief from disabilities under Section 574.088, Health and Safety Code; or

(B) with respect to a child who is at least 16 years of age:

(i) finds a child unfit to proceed under Subchapter C, Chapter 55, Family Code, as a result of mental illness or an intellectual disability;

(ii) finds a child not responsible for the child's conduct under Subchapter D, Chapter 55, Family Code, as a

result of mental illness or an intellectual disability;

(iii) orders a child to receive inpatient mental health services under Subchapter B, C, or D, Chapter 55, Family Code, as a result of mental illness; or

(iv) commits a child to a residential care facility under Subchapter C or D, Chapter 55, Family Code, as a result of an intellectual disability; or

(2) appoints a guardian of the incapacitated adult person under Title 3, Estates Code, based on the determination that the person lacks the mental capacity to manage the person's affairs.

(b) The clerk of the court shall prepare and forward the following information under Subsection (a):

(1) the complete name, race, and sex of the person;

(2) any known identifying number of the person, including social security number, driver's license number, or state identification number;

(3) the person's date of birth; and

(4) the federal prohibited person information that is the basis of the report required by this section.

(c) If practicable, the clerk of the court shall forward to the department the information described by Subsection (b) in an electronic format prescribed by the department.

(c-1) On request of the department, the clerk of the court shall forward a signed court order containing federal prohibited person information to the department for an audit of records provided to the Federal Bureau of Investigation under Section 411.052 for use with the National Instant Criminal Background Check System. If the department determines that a record forwarded under this subsection is incomplete or invalid:

(1) the department shall notify the clerk of the court; and

(2) the clerk of the court shall forward to the department any additional information or record.

(d) If an order previously reported to the department under Subsection (a) is reversed by order of any court, the clerk shall notify the department of the reversal not later than 30 days after

the clerk receives the mandate from the appellate court.

(e) The duty of a clerk to prepare and forward information under this section is not affected by:

(1) any subsequent appeal of the court order;

(2) any subsequent modification of the court order; or

(3) the expiration of the court order.

Added by Acts 2009, 81st Leg., R.S., Ch. 950 (H.B. 3352), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 22.035, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 30 (H.B. 446), Sec. 5.07, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 341 (S.B. 728), Sec. 2, eff. September 1, 2023.

Sec. 411.053. PRESERVATION OF EVIDENCE CONTAINING BIOLOGICAL MATERIAL. (a) The department:

(1) shall maintain a storage space for the preservation of evidence containing biological material that is delivered to the department under Article 38.43(f), Code of Criminal Procedure; and

(2) may maintain a storage space for the preservation of evidence of a sexual assault or other sex offense.

(b) The department shall adopt rules relating to the delivery, cataloging, and preservation of evidence stored under this section.

Added by Acts 2009, 81st Leg., R.S., Ch. 1179 (H.B. 3594), Sec. 2, eff. September 1, 2009.

Redesignated from Government Code, Section 411.052 by Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 27.001(15), eff. September 1, 2011.

Sec. 411.054. INCIDENT-BASED CRIME STATISTICS REPORTING BY LOCAL LAW ENFORCEMENT AGENCIES. (a) The department shall require all local law enforcement agencies to:

(1) implement an incident-based reporting system that

meets the reporting requirements of the National Incident-Based Reporting System of the Uniform Crime Reporting Program of the Federal Bureau of Investigation; and

(2) use the system described by Subdivision (1) to submit to the department information and statistics concerning criminal offenses committed in the jurisdiction of the local law enforcement agency.

(b) The department by rule shall prescribe the form and manner for submitting information and statistics under this section.

(c) Except as otherwise provided by this section and Section 411.0541, information and statistics submitted to the department under this section are confidential and not subject to disclosure under Chapter 552.

(d) The department shall submit the information and statistics received by the department under this section to the Uniform Crime Reporting Program of the Federal Bureau of Investigation, as required by that program.

Added by Acts 2015, 84th Leg., R.S., Ch. 333 (H.B. 11), Sec. 10, eff. September 1, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 633 (H.B. 4879), Sec. 1, eff. September 1, 2023.

Sec. 411.0541. TEXAS CRIME INFORMATION SYSTEM. (a) In this section:

(1) "Criminal justice agency" means:

(A) a state agency that is engaged in the administration of criminal justice under a statute or executive order and allocates a substantial part of the agency's annual budget to the administration of criminal justice; or

(B) a municipal or county agency, or school district law enforcement agency, that is engaged in the administration of criminal justice under a statute or executive order.

(2) "System" means the computer-based Texas crime information system established under Subsection (b).

(b) The department shall establish and maintain a computer-based Texas crime information system that includes all of the information and statistics submitted to the department under Section 411.054.

(c) The department shall restrict access to the system to authorized personnel of criminal justice agencies, as determined by the department.

(d) The department shall use the information included in the system to periodically publish reports regarding the nature and extent of criminal activities in this state. The department shall submit each report published under this subsection to the governor and each member of the legislature and shall publish each report on the department's Internet website.

Added by Acts 2023, 88th Leg., R.S., Ch. 633 (H.B. 4879), Sec. 2, eff. September 1, 2023.

Sec. 411.055. ANNUAL REPORT ON BORDER CRIME AND OTHER CRIMINAL ACTIVITY. (a) Not later than May 30 of each year, the department shall submit to the legislature a report on border crime and other criminal activity. The report must include:

(1) statistics for each month of the preceding calendar year and yearly totals of all border crime, as defined by Section 772.0071, and other criminal activity, including transnational criminal activity, the department determines relates to border security that occurred in each county included in a department region that is adjacent to the Texas-Mexico border; and

(2) statewide crime statistics for the crimes reported under Subdivision (1).

(b) In compiling the information for the report, the department shall use information available in the National Incident-Based Reporting System of the Uniform Crime Reporting Program of the Federal Bureau of Investigation and the Texas Incident-Based Reporting System of the department.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 2.001, eff. September 1, 2019.

SUBCHAPTER D-1. CENTRAL INDEX OF CERTAIN ADDITIONAL OFFENSES

Sec. 411.0601. DEFINITION. In this subchapter, "criminal justice agency" has the meaning assigned by Article 66.001, Code of Criminal Procedure.

Added by Acts 2009, 81st Leg., R.S., Ch. 1152 (H.B. 2932), Sec. 1, eff. September 1, 2009.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1058 (H.B. 2931), Sec. 4.09, eff. January 1, 2019.

Sec. 411.0602. ESTABLISHMENT OF CENTRAL INDEX; ENTRY OF INFORMATION. (a) In the law enforcement information system maintained by the department, the bureau of identification and records shall establish and maintain a central index to collect and disseminate information regarding additional offenses that forensic DNA test results indicate may have been committed by a defendant who has been arrested for or charged with any felony or misdemeanor offense, other than a misdemeanor offense punishable by fine only.

(b) Information relating to a defendant described by Subsection (a) may be entered in the central index only if the information is based on forensic DNA test results indicating that the DNA profile of the defendant cannot be excluded as a donor to the DNA profile of a person suspected to have committed an offense, regardless of whether the defendant has been or will be arrested for or charged with that offense. The information must be:

(1) submitted in the form of an affidavit signed by a representative of an investigating criminal justice agency and approved by a district judge; and

(2) accompanied by a set of the defendant's fingerprints.

Added by Acts 2009, 81st Leg., R.S., Ch. 1152 (H.B. 2932), Sec. 1, eff. September 1, 2009.

Sec. 411.0603. CONFIDENTIALITY AND DISSEMINATION OF INFORMATION IN CENTRAL INDEX. (a) Information maintained by the

department in the central index established under this subchapter is confidential. The department may not disseminate the information except as otherwise provided by this section.

(b) On proper inquiry, the department shall disseminate to a criminal justice agency the information collected under Section 411.0602. The criminal justice agency may disseminate the information to any other criminal justice agency if the dissemination of that information is for a criminal justice purpose.

(c) A criminal justice agency or an employee of a criminal justice agency is not liable for an act or omission relating to the collection, use, or dissemination of information collected under Section 411.0602 if that collection, use, or dissemination is performed in accordance with rules adopted by the director.

Added by Acts 2009, 81st Leg., R.S., Ch. 1152 (H.B. 2932), Sec. 1, eff. September 1, 2009.

Sec. 411.0604. RULES. The director shall adopt rules to implement and enforce this subchapter.

Added by Acts 2009, 81st Leg., R.S., Ch. 1152 (H.B. 2932), Sec. 1, eff. September 1, 2009.

Sec. 411.0605. RIGHT TO REQUEST NOTICE OF ENTRY IN CENTRAL INDEX. (a) A defendant described by Section 411.0602(a) may submit to the bureau of identification and records a request to determine whether the bureau has entered information relating to the defendant in the central index established under Section 411.0602. The bureau shall respond to the request not later than the 10th business day after the date the bureau receives the request.

(b) Before responding to a request under Subsection (a), the bureau may require reasonable written verification of the identity of the defendant submitting the request, including written verification of an address, date of birth, driver's license number, state identification card number, or social security number.

Added by Acts 2009, 81st Leg., R.S., Ch. 1152 (H.B. 2932), Sec. 1, eff. September 1, 2009.

Sec. 411.0606. RIGHT TO REQUEST REVIEW OF ENTRY IN CENTRAL INDEX. (a) On receipt by the bureau of identification and records of a written request that is submitted by a defendant described by Section 411.0602(a), that is accompanied by a set of the defendant's fingerprints, and that alleges that the bureau may have entered inaccurate information relating to the defendant in the central index established under Section 411.0602, the head of the bureau or that person's designee and the head of the department's crime laboratory in Austin each shall review the information to determine whether there is a high likelihood that the information is accurate.

(b) If after review the head of the bureau or that person's designee or the head of the department's crime laboratory in Austin determines there is not a high likelihood that the information relating to the defendant is accurate, the bureau shall:

(1) promptly remove that information from the central index; and

(2) notify other appropriate divisions of the department, the investigating criminal justice agency, and the defendant of the bureau's determination and the removal of the information.

(c) If after review the head of the bureau or that person's designee and the head of the department's crime laboratory in Austin jointly determine there is a high likelihood that the information relating to the defendant is accurate, the bureau shall notify the defendant of that determination.

Added by Acts 2009, 81st Leg., R.S., Ch. 1152 (H.B. 2932), Sec. 1, eff. September 1, 2009.

SUBCHAPTER E. CAPITOL COMPLEX

Sec. 411.061. DEFINITION. (a) In this subchapter, "Capitol Complex" means the following property that is located in Austin, Texas, to the extent the property is owned by or under the control of the state:

(1) the area bounded on the north by the inside curb of

Martin Luther King, Jr., Boulevard, on the east by the outside curb of Trinity Street, on the south by the outside curb of 10th Street, and on the west by the outside curb of Lavaca Street;

(2) the William P. Clements State Office Building located at 300 West 15th Street; and

(3) other locations under the jurisdiction of the capitol police district as may be approved by the director.

(b) The provisions of this subchapter do not apply to the property or parking facility under the management and control of the Texas Employment Commission and located within the bounds set forth in Subsection (a).

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 14, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 270, Sec. 3, eff. May 26, 1997.

Sec. 411.062. LAW ENFORCEMENT AND SECURITY AUTHORITY. (a) The department has primary responsibility for law enforcement and security services on the Capitol Complex.

(b) Subsection (a) does not prohibit the department from requesting or receiving assistance from another law enforcement agency.

(c) This section does not prohibit a peace officer who is not a member of the department from exercising the officer's authority on the Capitol Complex in an emergency or in a situation where the officer reasonably believes that immediate action is necessary.

(d) The department shall adopt rules relating to security of persons and access to and protection of the grounds, public buildings, and property of the state within the Capitol Complex, except that public use of the capitol, the capitol extension, the capitol grounds, and the General Land Office building shall be governed by the State Preservation Board.

(d-1) The director shall adopt rules governing the use of unmanned aircraft in the Capitol Complex. The rules adopted under this subsection may:

(1) prohibit the use of unmanned aircraft in the Capitol Complex; or

(2) authorize limited use of unmanned aircraft in the

Capitol Complex.

(e) The department may enforce the rules of the State Preservation Board, adopted under Section 443.018.

(f) The department and the City of Austin shall execute an interlocal cooperation agreement that defines the respective responsibilities of the department and the city for traffic and parking enforcement and general security in the Capitol Complex, including private property within the boundaries of the complex.

(g) The commission may authorize the director to impose within the Capitol Complex measures the director determines to be necessary to protect the safety and security of persons and property within the complex.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 14, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 270, Sec. 4, eff. May 26, 1997. Amended by:

Acts 2015, 84th Leg., R.S., Ch. 178 (H.B. 3628), Sec. 1, eff. September 1, 2015.

Sec. 411.0625. PASS FOR EXPEDITED ACCESS TO CAPITOL. (a) The department shall allow a person to enter the Capitol and the Capitol Extension, including any public space in the Capitol or Capitol Extension, in the same manner as the department allows entry to a person who presents a license to carry a handgun under Subchapter H if the person:

(1) obtains from the department a Capitol access pass; and

(2) presents the pass to the appropriate law enforcement official when entering the building or a space within the building.

(b) To be eligible for a Capitol access pass, a person must meet the eligibility requirements applicable to a license to carry a handgun under Subchapter H, other than requirements regarding evidence of handgun proficiency.

(c) The department shall adopt rules to establish a procedure by which a resident of the state may apply for and be issued a Capitol access pass. Rules adopted under this section must include provisions for eligibility, application, approval,

issuance, and renewal that:

(1) require the department to conduct the same background check on an applicant for a Capitol access pass that is conducted on an applicant for a license to carry a handgun under Subchapter H;

(2) enable the department to conduct the background check described by Subdivision (1); and

(3) establish application and renewal fees in amounts sufficient to cover the cost of administering this section, not to exceed the amounts of similar fees required under Section 411.174 for a license to carry a handgun.

Added by Acts 2011, 82nd Leg., R.S., Ch. 205 (H.B. 2131), Sec. 1, eff. May 30, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 15, eff. January 1, 2016.

Sec. 411.063. RULES RELATING TO PARKING AND VEHICLES. (a) The State Preservation Board shall adopt rules for the safe movement and the parking of vehicles in the Capitol Complex. The department shall administer and enforce the rules adopted by the preservation board and shall administer and enforce this subchapter. This subsection does not affect the authority of the department to adopt rules under Section 411.067.

(b) Rules adopted under this section may:

(1) regulate the type, flow, and direction of vehicular traffic;

(2) designate, mark, and assign areas and spaces for parking for elected state officials, chief executives and employees of state agencies located in the Capitol Complex, state-owned vehicles, business vehicles, and visitors to the Capitol Complex;

(3) establish a system of registration for vehicle identification;

(4) prohibit or restrict the use of areas and spaces for parking;

(5) establish a reasonable fee for parking in a parking space on a parking lot or in a parking garage that is

located in the Capitol Complex, other than a space in the capitol driveway or capitol extension garage; and

(6) provide for the towing and storing, at the expense of the owner, of a vehicle parked in violation of a rule.

(c) Rules that govern parking in the parking spaces in the capitol driveways and the parking lots and parking garages near the capitol, to the extent that parking in such places is not otherwise regulated by the State Preservation Board, shall provide for:

(1) assigning and marking reserved parking spaces for the unrestricted use of the governor, lieutenant governor, speaker of the house of representatives, and secretary of state;

(2) when the legislature is in session, assigning and marking reserved parking spaces requested by each house of the legislature for the unrestricted use of members and administrative staff of the legislature; and

(3) when the legislature is not in session, assigning and marking parking spaces requested by each house of the legislature for the use of members and administrative staff of the legislature.

(d) Except as provided by Section 443.015, the department shall remit to the comptroller for deposit to the credit of State Parking Fund No. 125 any fee collected for the parking of a vehicle in the Capitol Complex. Money in the fund may be appropriated only to the department for the operation, maintenance, and improvement of state parking facilities on, and for security in, the Capitol Complex.

(e) To the extent that the City of Austin on January 1, 1997, operated and maintained parking meters along either side of the streets forming the perimeter of the Capitol Complex, the city is entitled to continue to operate, maintain, and receive the revenue from those meters, except that the city may not operate or maintain along those streets meters that accept only quarters.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 14, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 270, Sec. 5, eff. May 26, 1997; Acts 2001, 77th Leg., ch. 1462, Sec. 6, eff. June 17, 2001.

Sec. 411.064. ASSISTANCE OF TEXAS DEPARTMENT OF

TRANSPORTATION OR TEXAS FACILITIES COMMISSION. (a) On request of the department, the Texas Department of Transportation and the Texas Facilities Commission shall:

(1) assist the department in the marking and designation of parking lots, parking garages, and parking spaces;

(2) maintain the painting of lines and curb markings; and

(3) furnish and erect direction and information signs.

(b) The department may recover the cost of providing the services described in Subsection (a) from the agency or agencies for which the service was provided. To the extent that either the Texas Facilities Commission or the Texas Department of Transportation provides or assists in providing the services described in Subsection (a), that agency shall be reimbursed by the department from its funds or the funds received from another agency under this subsection.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 14, eff. Sept. 1, 1993.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1071 (H.B. 1524), Sec. 1, eff. September 1, 2019.

Sec. 411.0645. TRANSPORTATION PLANNING COMMITTEE. (a) The department, the City of Austin, the Capital Metropolitan Transportation Authority, the Texas Facilities Commission, the State Preservation Board, and The University of Texas at Austin shall each designate a representative to a committee established for the purpose of coordinating transportation in and adjacent to the Capitol Complex. The representative of the department shall convene the initial meeting of the committee, and the committee shall elect officers and meet as decided by the committee.

(b) The committee may develop and recommend to the agencies represented agreements and memoranda of understanding relating to transportation in and adjacent to the Capitol Complex, including agreements or understandings relating to parking, vehicle traffic, and the location of light rail or other mass transit terminals and facilities in that area.

Added by Acts 1997, 75th Leg., ch. 270, Sec. 6, eff. May 26, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1071 (H.B. 1524), Sec. 2, eff. September 1, 2019.

Sec. 411.065. OFFENSES. (a) A person commits an offense if the person violates a rule of the department adopted under Section 411.062 or a rule of the State Preservation Board adopted under Section 411.063.

(b) An offense under this section is a Class C misdemeanor, except that an offense is a Class B misdemeanor if the person violates a rule adopted under Section 411.062(d-1).

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 14, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 270, Sec. 7, eff. May 26, 1997; Acts 2001, 77th Leg., ch. 1462, Sec. 7, eff. June 17, 2001.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 178 (H.B. 3628), Sec. 2, eff. September 1, 2015.

Sec. 411.066. JURISDICTION. The municipal court of a municipality and the justice courts of a county in which an offense under Section 411.065 was committed have concurrent original jurisdiction over such an offense.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 14, eff. Sept. 1, 1993.

Sec. 411.067. ADMINISTRATIVE PARKING VIOLATIONS. (a) The department may adopt rules for the assessment of an administrative fine of $25 for violations of the parking rules adopted under Section 411.063. Notwithstanding the provisions of Sections 411.065 and 411.066, the department may issue an administrative citation for a parking violation.

(b) Rules adopted under this section shall:

(1) establish a system for enforcement of administrative citations, including assessment of a late fee not to exceed $5 and towing, impoundment, or immobilization of vehicles; and

(2) provide a procedure of administrative review within the highway patrol district that includes the Capitol

Complex and, on request of the person assessed an administrative fine, further judicial review by the department filing the appropriate citation or complaint in a court, as provided in Section 411.066.

(c) The administrative review provided for in Subsection (b) shall not be considered a contested case under Chapter 2001 or Chapter 2003.

(d) The department shall remit to the comptroller for deposit in the general revenue fund each administrative fine and late fee collected under this section. The money deposited may be appropriated only to the department for security and parking in the highway patrol district that includes the Capitol Complex.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 14, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(50), (76), eff. Sept. 1, 1995.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 20.01, eff. September 1, 2009.

SUBCHAPTER E-1. ORDER OF NONDISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION

Sec. 411.071. DEFINITIONS. In this subchapter, "criminal history record information," "criminal justice agency," and "criminal justice purpose" have the meanings assigned by Section 411.082.

Added by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 1, eff. September 1, 2015.

Sec. 411.0715. DEFINITION OF DEFERRED ADJUDICATION COMMUNITY SUPERVISION FOR PURPOSE OF RECEIVING ORDER OF NONDISCLOSURE. For purposes of an order of nondisclosure of criminal history record information under this subchapter, a person is considered to have been placed on deferred adjudication community supervision if, regardless of the statutory authorization:

(1) the person entered a plea of guilty or nolo

contendere;

(2) the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and

(3) at the end of the period of supervision the judge dismissed the proceedings and discharged the person.

Transferred, redesignated and amended from Government Code, Section 411.081(f) by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 2, eff. September 1, 2015.

Sec. 411.0716. APPLICABILITY OF SUBCHAPTER. (a) Except as provided by Subsection (b), this subchapter applies to the issuance of an order of nondisclosure of criminal history record information for an offense committed before, on, or after September 1, 2017.

(b) Section 411.072 applies only to a person described by Subsection (a) of that section who receives a discharge and dismissal under Article 42A.111, Code of Criminal Procedure, on or after September 1, 2017.

Added by Acts 2017, 85th Leg., R.S., Ch. 877 (H.B. 3016), Sec. 1, eff. September 1, 2017.

Sec. 411.072. PROCEDURE FOR DEFERRED ADJUDICATION COMMUNITY SUPERVISION; CERTAIN NONVIOLENT MISDEMEANORS. (a) This section applies only to a person who:

(1) was placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, for a misdemeanor other than a misdemeanor:

(A) under:

(i) Section 49.04 or 49.06, Penal Code; or

(ii) Chapter 20, 21, 22, 25, 42, 43, 46, or 71, Penal Code; or

(B) with respect to which an affirmative finding under Article 42A.105(f), Code of Criminal Procedure, or former Section 5(k), Article 42.12, Code of Criminal Procedure, was filed in the papers of the case; and

(2) has never been previously convicted of or placed

on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, if a person described by Subsection (a) receives a discharge and dismissal under Article 42A.111, Code of Criminal Procedure, and satisfies the requirements of Section 411.074, the court that placed the person on deferred adjudication community supervision shall issue an order of nondisclosure of criminal history record information under this subchapter prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication community supervision. The court shall determine whether the person satisfies the requirements of Section 411.074, and if the court makes a finding that the requirements of that section are satisfied, the court shall issue the order of nondisclosure of criminal history record information:

(1) at the time the court discharges and dismisses the proceedings against the person, if the discharge and dismissal occurs on or after the 180th day after the date the court placed the person on deferred adjudication community supervision; or

(2) as soon as practicable on or after the 180th day after the date the court placed the person on deferred adjudication community supervision, if the discharge and dismissal occurred before that date.

(c) The person shall present to the court any evidence necessary to establish that the person is eligible to receive an order of nondisclosure of criminal history record information under this section. The person must pay a $28 fee to the clerk of the court before the court issues the order.

(d) A person who is not eligible to receive an order of nondisclosure of criminal history record information under this section solely because an affirmative finding under Article 42A.105(f), Code of Criminal Procedure, or former Section 5(k), Article 42.12, Code of Criminal Procedure, was filed in the papers of the case may file a petition for an order of nondisclosure of criminal history record information under Section 411.0725 if the person otherwise satisfies the requirements of that section.

Added by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 3, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 23.003, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 877 (H.B. 3016), Sec. 2, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1298 (H.B. 3582), Sec. 4, eff. September 1, 2019.

Sec. 411.0725. PROCEDURE FOR DEFERRED ADJUDICATION COMMUNITY SUPERVISION; FELONIES AND CERTAIN MISDEMEANORS. (a) This section applies only to a person placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, who:

(1) is not eligible to receive an order of nondisclosure of criminal history record information under Section 411.072; and

(2) was placed on deferred adjudication community supervision for an offense other than an offense under Section 49.04 or 49.06, Penal Code.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, if a person described by Subsection (a) receives a discharge and dismissal under Article 42A.111, Code of Criminal Procedure, and satisfies the requirements of Section 411.074, the person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section.

(c) Except as provided by Section 411.074, a person may petition the court for an order of nondisclosure under this section regardless of whether the person has been previously convicted of or placed on deferred adjudication community supervision for another offense.

(d) After notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies

from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication community supervision.

(e) A person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section only on or after:

(1) the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor other than a misdemeanor described by Subdivision (2);

(2) the second anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code; or

(3) the fifth anniversary of the discharge and dismissal, if the offense for which the person was placed on deferred adjudication was a felony.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 770 (H.B. 2299), Sec. 2.40, eff. January 1, 2017.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 9.001, eff. September 1, 2015.

Transferred, redesignated and amended from Government Code, Section 411.081(d) by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 4, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 23.004, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 1298 (H.B. 3582), Sec. 5, eff. September 1, 2019.

Sec. 411.0726. PROCEDURE FOR DEFERRED ADJUDICATION COMMUNITY SUPERVISION; CERTAIN DRIVING WHILE INTOXICATED AND BOATING WHILE INTOXICATED MISDEMEANORS. (a) This section applies only to a person who was placed on deferred adjudication community supervision under Subchapter C, Chapter 42A, Code of Criminal Procedure, for a misdemeanor:

(1) under Section 49.04 or 49.06, Penal Code; and

(2) with respect to which no affirmative finding under Article 42A.105(f), Code of Criminal Procedure, was filed in the papers of the case.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure if the person:

(1) receives a discharge and dismissal under Article 42A.111, Code of Criminal Procedure;

(2) satisfies the requirements of Section 411.074; and

(3) has never been previously convicted of or placed on deferred adjudication community supervision for another offense, other than a traffic offense that is punishable by fine only.

(c) A petition for an order of nondisclosure of criminal history record information filed under this section must include evidence that the person is entitled to file the petition.

(d) Except as provided by Subsection (e), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of an order of nondisclosure of criminal history record information is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the deferred adjudication community supervision.

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle collision involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

(f) A person may petition the court that placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section only on or after the second anniversary of the date of

completion of the deferred adjudication community supervision and the discharge and dismissal of the case.

Added by Acts 2019, 86th Leg., R.S., Ch. 1298 (H.B. 3582), Sec. 6, eff. September 1, 2019.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 709 (H.B. 2190), Sec. 131, eff. September 1, 2023.

Sec. 411.0727. PROCEDURE FOLLOWING SUCCESSFUL COMPLETION OF VETERANS TREATMENT COURT PROGRAM. (a) This section applies only to a person who successfully completes a veterans treatment court program under Chapter 124 or former law.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) is entitled to file with the court that placed the person in the veterans treatment court program a petition for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section and Section 411.074;

(2) has never been previously convicted of an offense listed in Article 42A.054(a), Code of Criminal Procedure, or a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure; and

(3) is not convicted of any felony offense between the date on which the person successfully completed the program and the second anniversary of that date.

(c) Regardless of whether the person was convicted of or placed on deferred adjudication community supervision for the offense for which the person entered the veterans treatment court program or whether the case against the person was dismissed under Section 124.001(b), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person entered the veterans treatment court program.

(d) A person may file with the court that placed the person in the veterans treatment court program a petition for an order of nondisclosure of criminal history record information under this section only on or after the second anniversary of the date the person successfully completed the program.

(e) A person is not entitled to petition the court for an order of nondisclosure of criminal history record information under this section if the person's entry into the veterans treatment court program arose as the result of a conviction of an offense involving the operation of a motor vehicle while intoxicated.

Added by Acts 2017, 85th Leg., R.S., Ch. 889 (H.B. 3069), Sec. 4, eff. September 1, 2017.

Sec. 411.0728. PROCEDURE FOR CERTAIN VICTIMS OF TRAFFICKING OF PERSONS OR COMPELLING PROSTITUTION. (a) This section applies only to a person:

(1) who is convicted of or placed on deferred adjudication community supervision for:

(A) a misdemeanor under:

(i) Subchapter D, Chapter 481, Health and Safety Code; or

(ii) Section 30.05, 31.03, 37.10, or 49.02, Penal Code; or

(B) an offense under Section 43.02, Penal Code; and

(2) who, if requested by the applicable law enforcement agency or prosecuting attorney to provide assistance in the investigation or prosecution of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, or a federal offense containing elements that are substantially similar to the elements of an offense under any of those sections:

(A) provided assistance in the investigation or prosecution of the offense; or

(B) did not provide assistance in the investigation or prosecution of the offense due to the person's age or a physical or mental disability resulting from being a victim of an offense described by this subdivision.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who satisfies the requirements of Section 411.074(b) may petition the court that convicted the person or placed the person on deferred adjudication community supervision for an order of nondisclosure of criminal history record information under this section on the grounds that the person committed the offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.

(b-1) A petition under Subsection (b) must:

(1) be in writing;

(2) allege specific facts that, if proved, would establish that the petitioner committed the offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code; and

(3) assert that if the person has previously submitted a petition for an order of nondisclosure under this section, the person has not committed an offense described by Subsection (a)(1) on or after the date on which the person's first petition under this section was submitted.

(b-2) On the filing of the petition under Subsection (b), the clerk of the court shall promptly serve a copy of the petition and any supporting document on the appropriate office of the attorney representing the state. Any response to the petition by the attorney representing the state must be filed not later than the 20th business day after the date of service under this subsection.

(b-3) A person convicted of or placed on deferred adjudication community supervision for more than one offense described by Subsection (a)(1) that the person committed solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, may file a petition for an order of nondisclosure of criminal history record information under this section with respect to each offense, and may request consolidation of those petitions, in a district court in the county where the person was most recently convicted or placed on deferred adjudication community supervision as described by this subsection. On receipt of a request for consolidation, the court shall consolidate the petitions and exercise jurisdiction over the petitions, regardless of the county

in which the offenses described by Subsection (a)(1) occurred. For each offense that is the subject of a consolidated petition and that occurred in a county other than the county in which the court consolidating the petitions is located, the clerk of the court, in addition to the clerk's duties under Subsection (b-2), shall promptly serve a copy of the consolidated petition and any supporting document related to the applicable offense on the appropriate office of the attorney representing the state on behalf of the other county. Each attorney representing the state who receives a copy of a consolidated petition under this subsection may file a response to the petition in accordance with Subsection (b-2).

(b-4) A district court that consolidates petitions under Subsection (b-3) shall allow an attorney representing the state who receives a petition involving an offense that was committed outside the county in which the court is located to appear at any hearing regarding the consolidated petition by telephone or video conference call.

(c) After notice to the state and an opportunity for a hearing, the court having jurisdiction over the petition shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense if the court determines that:

(1) the person committed the offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code;

(2) if applicable, the person did not commit another offense described by Subsection (a)(1) on or after the date on which the person's first petition for an order of nondisclosure under this section was submitted; and

(3) issuance of the order is in the best interest of justice.

(c-1) In determining whether a person committed an offense described by Subsection (a)(1) solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, the court may consider any order of nondisclosure previously granted to the person under this section.

(d) A person may petition the applicable court for an order of nondisclosure of criminal history record information under this section only on or after the first anniversary of the date the person:

(1) completed the sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed; or

(2) received a dismissal and discharge under Article 42A.111, Code of Criminal Procedure, if the person was placed on deferred adjudication community supervision.

Added by Acts 2015, 84th Leg., R.S., Ch. 1070 (H.B. 2286), Sec. 2.01, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 693 (H.B. 322), Sec. 5, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 413 (S.B. 20), Sec. 4.01, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 529 (S.B. 1801), Sec. 1, eff. September 1, 2019.

Acts 2025, 89th Leg., R.S., Ch. 310 (S.B. 958), Sec. 1, eff. September 1, 2025.

Sec. 411.0729. PROCEDURE FOR CERTAIN VETERANS PLACED ON COMMUNITY SUPERVISION. (a) On successful completion of the veterans reemployment program under Subchapter H-1, Chapter 42A, Code of Criminal Procedure, and all other conditions of the defendant's community supervision, including deferred adjudication community supervision, after notice to the state and a hearing on whether issuance of an order of nondisclosure is in the best interest of justice, the court shall enter an order of nondisclosure with respect to all records of the offense for which the defendant was placed on community supervision.

(b) Subsection (a) applies regardless of whether the defendant meets the other eligibility criteria under this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 361 (H.B. 714), Sec. 2, eff. June 2, 2019.

Sec. 411.073. PROCEDURE FOR COMMUNITY SUPERVISION FOLLOWING CONVICTION; CERTAIN MISDEMEANORS. (a) This section applies only to a person placed on community supervision under Chapter 42A, Code of Criminal Procedure:

(1) following a conviction of a misdemeanor other than a misdemeanor under Section 106.041, Alcoholic Beverage Code, Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or Chapter 71, Penal Code; and

(2) under a provision of Chapter 42A, Code of Criminal Procedure, other than Subchapter C, including:

(A) a provision that requires the person to serve a term of confinement as a condition of community supervision; or

(B) another provision that authorizes placing a person on community supervision after the person has served part of a term of confinement imposed for the offense.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) whose community supervision is not revoked and who completes the period of community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution imposed, may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section and Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only.

(c) After notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the community supervision.

(d) A person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal

history record information under this section only on or after:

(1) the completion of the community supervision, if the offense for which the person was placed on community supervision was a misdemeanor other than a misdemeanor described by Subdivision (2); or

(2) the second anniversary of the date of completion of the community supervision, if the offense for which the person was placed on community supervision was a misdemeanor under Chapter 20, 21, 22, 25, 42, 43, or 46, Penal Code.

Added by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 5, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 23.006, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 877 (H.B. 3016), Sec. 3, eff. September 1, 2017.

Sec. 411.0731. PROCEDURE FOR COMMUNITY SUPERVISION FOLLOWING CONVICTION; CERTAIN DRIVING WHILE INTOXICATED CONVICTIONS. (a) This section applies only to a person placed on community supervision under Chapter 42A, Code of Criminal Procedure:

(1) following a conviction of an offense under Section 49.04, Penal Code, other than an offense punishable under Subsection (d) of that section; and

(2) under a provision of Chapter 42A, Code of Criminal Procedure, other than Subchapter C, including:

(A) a provision that requires the person to serve a term of confinement as a condition of community supervision; or

(B) another provision that authorizes placing a person on community supervision after the person has served part of a term of confinement imposed for the offense.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) whose community supervision is not revoked and who completes the period of community supervision, including any term of confinement imposed and payment of all fines, costs, and restitution imposed, may

petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section and Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only.

(c) A petition for an order of nondisclosure of criminal history record information filed under this section must include evidence that the person is entitled to file the petition.

(d) Except as provided by Subsection (e), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of an order of nondisclosure of criminal history record information is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense giving rise to the community supervision.

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle collision involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

(f) A person may petition the court that placed the person on community supervision for an order of nondisclosure of criminal history record information under this section only on or after:

(1) the second anniversary of the date of completion of the community supervision, if the person successfully complied with a condition of community supervision that, for a period of not less than six months, restricted the person's operation of a motor vehicle to a motor vehicle equipped with an ignition interlock device; or

(2) the fifth anniversary of the date of completion of the community supervision, if the court that placed the person on

community supervision did not order the person to comply with a condition of community supervision described by Subdivision (1) for the period described by that subdivision.

Added by Acts 2017, 85th Leg., R.S., Ch. 877 (H.B. 3016), Sec. 4, eff. September 1, 2017.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 709 (H.B. 2190), Sec. 132, eff. September 1, 2023.

Sec. 411.0735. PROCEDURE FOR CONVICTION; CERTAIN MISDEMEANORS. (a) This section applies only to a person who:

(1) is convicted of a misdemeanor other than a misdemeanor under Section 106.041, Alcoholic Beverage Code, Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or Chapter 71, Penal Code; and

(2) is not eligible for an order of nondisclosure of criminal history record information under Section 411.073.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who completes the person's sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed, may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section and Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only.

(c) Except as provided by Subsection (c-1), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person was convicted.

(c-1) A court may not issue an order of nondisclosure of

criminal history record information under this section if the court determines that the offense for which the order is sought, other than an offense under Section 22.01, Penal Code, was violent or sexual in nature.

(d) A person may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section only on or after:

(1) the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor punishable by fine only; or

(2) the second anniversary of the date of completion of the person's sentence, if the offense of which the person was convicted was a misdemeanor other than a misdemeanor described by Subdivision (1).

Added by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 5, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 877 (H.B. 3016), Sec. 5, eff. September 1, 2017.

Sec. 411.0736. PROCEDURE FOR CONVICTION; CERTAIN DRIVING WHILE INTOXICATED CONVICTIONS. (a) This section applies only to a person who:

(1) is convicted of an offense under Section 49.04, Penal Code, other than an offense punishable under Subsection (d) of that section; and

(2) is not eligible for an order of nondisclosure of criminal history record information under Section 411.0731.

(b) Notwithstanding any other provision of this subchapter or Subchapter F, a person described by Subsection (a) who completes the person's sentence, including any term of confinement imposed and payment of all fines, costs, and restitution imposed, may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section if the person:

(1) satisfies the requirements of this section and Section 411.074; and

(2) has never been previously convicted of or placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only.

(c) A petition for an order of nondisclosure of criminal history record information filed under this section must include evidence that the person is entitled to file the petition.

(d) Except as provided by Subsection (e), after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of an order of nondisclosure of criminal history record information is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person was convicted.

(e) A court may not issue an order of nondisclosure of criminal history record information under this section if the attorney representing the state presents evidence sufficient to the court demonstrating that the commission of the offense for which the order is sought resulted in a motor vehicle collision involving another person, including a passenger in a motor vehicle operated by the person seeking the order of nondisclosure.

(f) A person may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information under this section on or after:

(1) the third anniversary of the date of completion of the person's sentence, if the person successfully complied with a condition of the sentence that, for a period of not less than six months, restricted the person's operation of a motor vehicle to a motor vehicle equipped with an ignition interlock device; or

(2) the fifth anniversary of the date of completion of the person's sentence, if the court that imposed the sentence did not order the person to comply with a condition described by Subdivision (1) for the period described by that subdivision.

Added by Acts 2017, 85th Leg., R.S., Ch. 877 (H.B. 3016), Sec. 6, eff. September 1, 2017.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 709 (H.B. 2190), Sec. 133,

eff. September 1, 2023.

Sec. 411.074. REQUIRED CONDITIONS FOR RECEIVING AN ORDER OF NONDISCLOSURE. (a) A person may be granted an order of nondisclosure of criminal history record information under this subchapter and, when applicable, is entitled to petition the court to receive an order under this subchapter only if, during the period after the court pronounced the sentence or placed the person on community supervision, including deferred adjudication community supervision, for the offense for which the order of nondisclosure is requested, and during any applicable waiting period for the person under this subchapter following completion of the person's sentence or community supervision, including deferred adjudication community supervision, the person is not convicted of or placed on deferred adjudication community supervision for any offense other than a traffic offense that is punishable by fine only.

(b) A person may not be granted an order of nondisclosure of criminal history record information under this subchapter and is not entitled to petition the court for an order of nondisclosure under this subchapter if:

(1) the person requests the order of nondisclosure for, or the person has been previously convicted of or placed on deferred adjudication community supervision for:

(A) an offense requiring registration as a sex offender under Chapter 62, Code of Criminal Procedure;

(B) an offense under Section 20.04, Penal Code, regardless of whether the offense is a reportable conviction or adjudication for purposes of Chapter 62, Code of Criminal Procedure;

(C) an offense under Section 19.02, 19.03, 20A.02, 20A.03, 22.04, 22.041, 25.07, 25.072, or 42.072, Penal Code; or

(D) any other offense involving family violence, as defined by Section 71.004, Family Code; or

(2) the court makes an affirmative finding that the offense for which the order of nondisclosure is requested involved family violence, as defined by Section 71.004, Family Code.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 770 (H.B. 2299), Sec. 2.40, eff. January 1, 2017.

Transferred, redesignated and amended by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 6, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 877 (H.B. 3016), Sec. 7, eff. September 1, 2017.

Sec. 411.0745. PETITION AND ORDER. (a) A person who petitions the court for an order of nondisclosure of criminal history record information under this subchapter, when a petition is required, may file the petition in person, electronically, or by mail.

(b) The petition must be accompanied by payment of a fee that generally applies to the filing of a civil case.

(c) The Office of Court Administration of the Texas Judicial System shall prescribe a form for the filing of a petition electronically or by mail. The form must provide for the petition to be accompanied by the required fees and any other supporting material determined necessary by the office of court administration, including evidence that the person is entitled to file the petition.

(d) The office of court administration shall make available on its Internet website the electronic application and printable application form. Each county or district clerk's office that maintains an Internet website shall include on that website a link to the electronic application and printable application form available on the office of court administration's Internet website.

(e) On receipt of a petition under this section, the court shall provide notice to the state and an opportunity for a hearing on whether the person is entitled to file the petition and issuance of the order is in the best interest of justice. The court shall hold a hearing before determining whether to issue an order of nondisclosure of criminal history record information, except that a hearing is not required if:

(1) the state does not request a hearing on the issue

before the 45th day after the date on which the state receives notice under this subsection; and

(2) the court determines that:

(A) the person is entitled to file the petition; and

(B) the order is in the best interest of justice.

Transferred, redesignated and amended from Government Code, Section 411.081(f-1) by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 7, eff. September 1, 2015.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 2.16, eff. January 1, 2022.

Sec. 411.075. PROCEDURE AFTER ORDER. (a) Not later than the 15th business day after the date an order of nondisclosure of criminal history record information is issued under this subchapter, the clerk of the court shall send all relevant criminal history record information contained in the order or a copy of the order by certified mail, return receipt requested, or secure electronic mail, electronic transmission, or facsimile transmission to the Crime Records Service of the department.

(b) Not later than 10 business days after receipt of relevant criminal history record information contained in an order or a copy of an order under Subsection (a), the department shall seal any criminal history record information maintained by the department that is the subject of the order. The department shall also send all relevant criminal history record information contained in the order or a copy of the order by certified mail, return receipt requested, or secure electronic mail, electronic transmission, or facsimile transmission to all:

(1) law enforcement agencies, jails or other detention facilities, magistrates, courts, prosecuting attorneys, correctional facilities, central state depositories of criminal records, and other officials or agencies or other entities of this state or of any political subdivision of this state;

(2) central federal depositories of criminal records that there is reason to believe have criminal history record

information that is the subject of the order; and

(3) private entities that purchase criminal history record information from the department or that otherwise are likely to have criminal history record information that is subject to the order.

(c) The director shall adopt rules regarding minimum standards for the security of secure electronic mail, electronic transmissions, and facsimile transmissions under Subsections (a) and (b). In adopting rules under this subsection, the director shall consult with the Office of Court Administration of the Texas Judicial System.

(d) Not later than 30 business days after receipt of relevant criminal history record information contained in an order or a copy of an order from the department under Subsection (b), an individual or entity described by Subsection (b)(1) shall seal any criminal history record information maintained by the individual or entity that is the subject of the order.

(e) The department may charge to a private entity that purchases criminal history record information from the department a fee in an amount sufficient to recover costs incurred by the department in providing relevant criminal history record information contained in an order or a copy of an order under Subsection (b)(3) to the entity.

Transferred, redesignated and amended from Government Code, Section 411.081 by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 8, eff. September 1, 2015.

Sec. 411.0755. STATEMENT IN APPLICATION FOR EMPLOYMENT, INFORMATION, OR LICENSING. A person whose criminal history record information is the subject of an order of nondisclosure of criminal history record information issued under this subchapter is not required in any application for employment, information, or licensing to state that the person has been the subject of any criminal proceeding related to the information that is the subject of the order.

Transferred, redesignated and amended from Government Code,

Section 411.081(g-2) by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 9, eff. September 1, 2015.

Sec. 411.076. DISCLOSURE BY COURT. (a) A court may not disclose to the public any information contained in the court records that is the subject of an order of nondisclosure of criminal history record information issued under this subchapter. The court may disclose information contained in the court records that is the subject of an order of nondisclosure of criminal history record information only to:

(1) criminal justice agencies for criminal justice or regulatory licensing purposes;

(2) an agency or entity listed in Section 411.0765; or

(3) the person who is the subject of the order.

(b) The clerk of the court issuing an order of nondisclosure of criminal history record information under this subchapter shall seal any court records containing information that is the subject of the order as soon as practicable after the date the clerk of the court sends all relevant criminal history record information contained in the order or a copy of the order to the department under Section 411.075(a).

Transferred, redesignated and amended from Government Code, Section 411.081(g-3) by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 10, eff. September 1, 2015.

Sec. 411.0765. DISCLOSURE BY CRIMINAL JUSTICE AGENCY. (a) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure of criminal history record information under this subchapter only:

(1) to other criminal justice agencies;

(2) for criminal justice or regulatory licensing purposes;

(3) to an agency or entity listed in Subsection (b);

(4) to the person who is the subject of the order; or

(5) for the purpose of complying with a requirement under federal law or if federal law requires the disclosure as a condition of receiving federal highway funds.

(b) A criminal justice agency may disclose criminal history record information that is the subject of an order of nondisclosure of criminal history record information under this subchapter to the following noncriminal justice agencies or entities only:

(1) the State Board for Educator Certification;

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement;

(3) the Texas Medical Board;

(4) the Texas School for the Blind and Visually Impaired;

(5) the Board of Law Examiners;

(6) the State Bar of Texas;

(7) a district court regarding a petition for name change under Subchapter B, Chapter 45, Family Code;

(8) the Texas School for the Deaf;

(9) the Department of Family and Protective Services;

(10) the Texas Juvenile Justice Department;

(11) the Department of Assistive and Rehabilitative Services;

(12) the Department of State Health Services, a local mental health service, a local intellectual and developmental disability authority, or a community center providing services to persons with mental illness or intellectual or developmental disabilities;

(13) the Texas Private Security Board;

(14) a municipal or volunteer fire department;

(15) the Texas Board of Nursing;

(16) a safe house providing shelter to children in harmful situations;

(17) a public or nonprofit hospital or hospital district, or a facility as defined by Section 250.001, Health and Safety Code;

(18) the securities commissioner, the banking commissioner, the savings and mortgage lending commissioner, the consumer credit commissioner, or the credit union commissioner;

(19) the Texas State Board of Public Accountancy;

(20) the Texas Department of Licensing and Regulation;

(21) the Health and Human Services Commission;

(22) the Department of Aging and Disability Services;

(23) the Texas Education Agency;

(24) the Judicial Branch Certification Commission;

(25) a county clerk's office in relation to a proceeding for the appointment of a guardian under Title 3, Estates Code;

(26) the Texas Cyber Command but only regarding an employee, applicant for employment, contractor, subcontractor, intern, or volunteer who provides network security services under Chapter 2059 to:

(A) the Texas Cyber Command; or

(B) a contractor or subcontractor of the Texas Cyber Command;

(27) the Texas Department of Insurance;

(28) the Teacher Retirement System of Texas;

(29) the Texas State Board of Pharmacy;

(30) the Texas Civil Commitment Office;

(31) a bank, savings bank, savings and loan association, credit union, or mortgage banker, a subsidiary or affiliate of those entities, or another financial institution regulated by a state regulatory entity listed in Subdivision (18) or by a corresponding federal regulatory entity, but only regarding an employee, contractor, subcontractor, intern, or volunteer of or an applicant for employment by that bank, savings bank, savings and loan association, credit union, mortgage banker, subsidiary or affiliate, or financial institution; and

(32) an employer that has a facility that handles or has the capability of handling, transporting, storing, processing, manufacturing, or controlling hazardous, explosive, combustible, or flammable materials, if:

(A) the facility is critical infrastructure, as defined by 42 U.S.C. Section 5195c(e), or the employer is required to submit to a risk management plan under Section 112(r) of the federal Clean Air Act (42 U.S.C. Section 7412) for the facility; and

(B) the information concerns an employee,

applicant for employment, contractor, or subcontractor whose duties involve or will involve the handling, transporting, storing, processing, manufacturing, or controlling hazardous, explosive, combustible, or flammable materials and whose background is required to be screened under a federal provision described by Paragraph (A).

Reenacted, transferred, redesignated and amended from Government Code, Section 411.081(i) by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 11, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. 1576), Sec. 7, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 877 (H.B. 3016), Sec. 8, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 8.010, eff. September 1, 2019.

Acts 2025, 89th Leg., R.S., Ch. 331 (H.B. 150), Sec. 22, eff. September 1, 2025.

Sec. 411.077. DEPARTMENT OF PUBLIC SAFETY REPORT. (a) Repealed by Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 5.01(c)(16), eff. January 1, 2022.

(b) The department shall submit a report to the legislature not later than December 1 of each even-numbered year that includes information on:

(1) the number of petitions for nondisclosure of criminal history record information and orders of nondisclosure of criminal history record information received by the department in each of the previous two years;

(2) the actions taken by the department with respect to the petitions and orders received;

(3) the costs incurred by the department in taking those actions; and

(4) the number of persons who are the subject of an order of nondisclosure of criminal history record information and who became the subject of criminal charges for an offense committed after the order was issued.

Transferred, redesignated and amended from Government Code, Section 411.081(h) by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 12, eff. September 1, 2015.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 2.17, eff. January 1, 2022.

Acts 2021, 87th Leg., R.S., Ch. 472 (S.B. 41), Sec. 5.01(c)(16), eff. January 1, 2022.

Sec. 411.0775. ADMISSIBILITY AND USE OF CERTAIN CRIMINAL HISTORY RECORD INFORMATION IN SUBSEQUENT CRIMINAL PROCEEDING. Notwithstanding any other law, criminal history record information that is related to a conviction and is the subject of an order of nondisclosure of criminal history record information under this subchapter may be:

(1) admitted into evidence during the trial of any subsequent offense if the information is admissible under the Texas Rules of Evidence or another law; or

(2) disclosed to a prosecuting attorney for a criminal justice purpose.

Added by Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 13, eff. September 1, 2015.

SUBCHAPTER F. CRIMINAL HISTORY RECORD INFORMATION

Sec. 411.081. APPLICATION OF SUBCHAPTER. (a) This subchapter does not apply to criminal history record information that is contained in:

(1) posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;

(2) original records of entry, including police blotters maintained by a criminal justice agency that are compiled chronologically and required by law or long-standing practice to be available to the public;

(3) public judicial, administrative, or legislative proceedings;

(4) court records of public judicial proceedings;

(5) published judicial or administrative opinions; or

(6) announcements of executive clemency.

(b) This subchapter does not prohibit a criminal justice agency from disclosing to the public criminal history record information that is related to the offense for which a person is involved in the criminal justice system.

(c) This subchapter does not prohibit a criminal justice agency from confirming previous criminal history record information to any person on specific inquiry about whether a named person was arrested, detained, indicted, or formally charged on a specified date, if the information disclosed is based on data excluded by Subsection (b).

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 1236, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 177 (H.B. 413), Sec. 3, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1309 (H.B. 3093), Sec. 3, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. 2426), Sec. 54, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 6.061, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. 1303), Sec. 5, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. 1303), Sec. 6, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. 1303), Sec. 11, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 16, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 183 (H.B. 1830), Sec. 1, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 780 (S.B. 1056), Sec. 1, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 816 (S.B. 1599), Sec. 1, eff.

September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1027 (H.B. 4343), Sec. 1, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 11.005, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 455 (S.B. 1667), Sec. 1, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 731 (H.B. 961), Sec. 12, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1182 (H.B. 3453), Sec. 12, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 2.23, eff. September 1, 2014.

Acts 2013, 83rd Leg., R.S., Ch. 96 (S.B. 743), Sec. 6, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 266 (H.B. 729), Sec. 4, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 583 (S.B. 869), Sec. 32, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1146 (S.B. 107), Sec. 1, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 20, eff. September 1, 2015.

Sec. 411.082. DEFINITIONS. In this subchapter:

(1) "Administration of criminal justice" has the meaning assigned by Article 66.001, Code of Criminal Procedure.

(1-a) "Applicant" means an individual who submits an application for employment, licensure, certification, or registration that requires the department to conduct a background check using criminal history record information.

(1-b) "Application" means an application submitted by hard copy or electronically for employment, licensure, certification, or registration that requires the department to conduct a background check using criminal history record information.

(2) "Criminal history record information" means

information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions. The term does not include:

(A) identification information, including fingerprint records, to the extent that the identification information does not indicate involvement of the person in the criminal justice system; or

(B) driving record information maintained by the department under Subchapter C, Chapter 521, Transportation Code.

(3) "Criminal justice agency" means:

(A) a federal or state agency that is engaged in the administration of criminal justice under a statute or executive order and that allocates a substantial portion of its annual budget to the administration of criminal justice; or

(B) a nongovernmental railroad or campus police department that has obtained an originating agency identifier from the Federal Bureau of Investigation.

(4) "Criminal justice purpose" means:

(A) an activity that is included in the administration of criminal justice; or

(B) screening of applicants for employment with a criminal justice agency.

(5) "Office of capital and forensic writs" means the office of capital and forensic writs established under Subchapter B, Chapter 78.

(6) "Public defender's office" has the meaning assigned by Article 26.044(a), Code of Criminal Procedure.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 30.190, eff. Sept. 1, 1997.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1188 (S.B. 1044), Sec. 1, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1215 (S.B. 1743), Sec. 23, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 1058 (H.B. 2931), Sec. 4.10, eff. January 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 11, eff. June 13, 2023.

Sec. 411.083. DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION. (a) Criminal history record information maintained by the department is confidential information for the use of the department and, except as provided by this subchapter or Subchapter E-1, may not be disseminated by the department.

(b) The department shall grant access to criminal history record information to:

(1) criminal justice agencies;

(2) noncriminal justice agencies authorized by federal statute or executive order or by state statute to receive criminal history record information;

(3) the person who is the subject of the criminal history record information;

(4) a person, including a research organization or public or private institution of higher education, working on a research or statistical project that is related to the administration of criminal justice and approved by the department and that:

(A) is funded in whole or in part by a criminal justice grant or government funds; or

(B) meets the requirements of Part 22, Title 28, Code of Federal Regulations;

(5) an individual or an agency that has a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice under that agreement, if the agreement:

(A) specifically authorizes access to information;

(B) limits the use of information to the purposes for which it is given;

(C) ensures the security and confidentiality of the information;

(D) provides for sanctions if a requirement imposed under Paragraph (A), (B), or (C) is violated; and

(E) requires the individual or agency to perform the applicable services in a manner prescribed by the department;

(6) an individual or an agency that has a specific agreement with a noncriminal justice agency to provide services related to the use of criminal history record information disseminated under this subchapter, if the agreement:

(A) specifically authorizes access to information;

(B) limits the use of information to the purposes for which it is given;

(C) ensures the security and confidentiality of the information;

(D) provides for sanctions if a requirement imposed under Paragraph (A), (B), or (C) is violated; and

(E) requires the individual or agency to perform the applicable services in a manner prescribed by the department;

(7) a county or district clerk's office; and

(8) the Office of Court Administration of the Texas Judicial System.

(c) The department may disseminate criminal history record information under Subsection (b)(1) only for a criminal justice purpose. The department may disseminate criminal history record information under Subsection (b)(2) only for a purpose specified in the statute or order. The department may disseminate criminal history record information under Subsection (b)(4), (5), or (6) only for a purpose approved by the department and only under rules adopted by the department. The department may disseminate criminal history record information under Subsection (b)(7) only to the extent necessary for a county or district clerk to perform a duty imposed by law to collect and report criminal court disposition information. Criminal history record information disseminated to a clerk under Subsection (b)(7) may be used by the clerk only to ensure that information reported by the clerk to the department is accurate and complete. The dissemination of information to a clerk under Subsection (b)(7) does not affect the

authority of the clerk to disclose or use information submitted by the clerk to the department. The department may disseminate criminal history record information under Subsection (b)(8) only to the extent necessary for the office of court administration to perform a duty imposed by law, including the development and maintenance of the public safety report system as required by Article 17.021, Code of Criminal Procedure, or to compile court statistics or prepare reports. The office of court administration may disclose criminal history record information obtained from the department under Subsection (b)(8):

(1) in a public safety report prepared under Article 17.022, Code of Criminal Procedure; or

(2) in a statistic compiled by the office or a report prepared by the office, but only in a manner that does not identify the person who is the subject of the information.

(d) The department is not required to release or disclose criminal history record information to any person that is not in compliance with rules adopted by the department under this subchapter or rules adopted by the Federal Bureau of Investigation that relate to the dissemination or use of criminal history record information.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2001, 77th Leg., ch. 474, Sec. 4, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 17, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.02, eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 21, eff. September 1, 2015.

Acts 2021, 87th Leg., 2nd C.S., Ch. 11 (S.B. 6), Sec. 18(a), eff. December 2, 2021.

Acts 2023, 88th Leg., R.S., Ch. 905 (H.B. 1184), Sec. 1, eff. September 1, 2023.

Sec. 411.0835. PROHIBITION AGAINST DISSEMINATION TO

CERTAIN PRIVATE ENTITIES. If the department receives information indicating that a private entity that purchases criminal history record information from the department has been found by a court to have committed three or more violations of Section 552.1425 by compiling or disseminating information with respect to which an order of expunction has been issued under Subchapter E or F, Chapter 55A, Code of Criminal Procedure, or an order of nondisclosure of criminal history record information has been issued under Subchapter E-1 of this chapter, the department may not release any criminal history record information to that entity until the first anniversary of the date of the most recent violation.

Added by Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. 1303), Sec. 7, eff. September 1, 2007.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 22, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.087, eff. January 1, 2025.

Sec. 411.084. USE OF CRIMINAL HISTORY RECORD INFORMATION. (a) Criminal history record information obtained from the department under this subchapter, including any identification information that could reveal the identity of a person about whom criminal history record information is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

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

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

(A) this subchapter;

(B) another statute;

(C) a rule adopted under a statute; or

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

(a-1) The term "criminal history record" information under

Subsection (a) does not refer to any specific document produced to comply with this subchapter but to the information contained, wholly or partly, in a document's original form or any subsequent form or use.

(b) Notwithstanding Subsection (a) or any other provision in this subchapter relating to the release or disclosure of such information, criminal history record information obtained from the Federal Bureau of Investigation may be released or disclosed only to a governmental entity or as authorized by federal law and regulations, federal executive orders, and federal policy.

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

(d) Notwithstanding any other provision of this subchapter, a private entity that purchases information from the department is not required to provide proof of cyber-threat insurance coverage or post a performance bond if that entity:

(1) provides proof of an audit by a certified public accountant certifying that the requestor has implemented internal controls and security protocols that are consistent with the National Institute of Standards and Technology standards for cybersecurity and approved by the Department of Information Resources or an IT cybersecurity professional certified by the National Institute of Standards and Technology or a similar organization;

(2) provides proof of Payment Card Industry Data Security Standard (PCI DSS) certification or certification by a similar organization recognized by the Department of Information Resources; or

(3) provides proof of compliance with voluntary compliance standards for cybersecurity developed by a national organization of certified public accountants for the management of customer data, including SOC 1, SOC 2, or SOC.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 296, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 9A.01, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.03, eff. June 19, 2009.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 12, eff. June 13, 2023.

Sec. 411.0845. CRIMINAL HISTORY CLEARINGHOUSE. (a) The department shall establish an electronic clearinghouse and subscription service to provide criminal history record information to a particular person entitled to receive criminal history record information and updates to a particular record to which the person has subscribed under this subchapter.

(b) On receiving a request for criminal history record information from a person entitled to such information under this subchapter, the department shall provide through the electronic clearinghouse:

(1) the criminal history record information reported to the department or the Federal Bureau of Investigation relating to the individual who is the subject of the request; or

(2) a statement that the individual who is the subject of the request does not have any criminal history record information reported to the department or the Federal Bureau of Investigation.

(c) If the department provides information received from the Federal Bureau of Investigation, the department must include with the information the date the department received information from the Federal Bureau of Investigation.

(d) The department shall ensure that the information described by Subsection (b) is provided only to a person otherwise entitled to obtain criminal history record information under this subchapter. Information collected under this section is confidential and is not subject to disclosure under Chapter 552.

(e) A person entitled to receive criminal history record information under this section must provide the department with the following information regarding the person who is the subject of the criminal history record information requested:

(1) the person's full name, date of birth, and sex, and the number assigned to any form of unexpired identification card issued by this state or another state, the District of Columbia, or a territory of the United States that includes the person's photograph;

(2) a recent electronic digital image photograph of the person and a complete set of the person's fingerprints as required by the department; and

(3) any other information required by the department.

(f) The department shall maintain an Internet website for the administration of the clearinghouse and an electronic subscription service to provide notice of updates to a particular criminal history record to each person entitled under this subchapter to receive criminal history record information updates to that particular record. The department shall update clearinghouse records as a result of any change in information discovered by the department. Within 48 hours after the department becomes aware that a person's criminal history record information in a clearinghouse record has changed, the department shall provide notice of the updated information only to each subscriber to that specific record.

(g) As soon as practicable, a subscriber who is no longer entitled to receive criminal history record information relating to a particular person shall notify the department. The department shall cancel the person's subscription to that record and may not notify the former subscriber of any updated information to that record.

(h) A person who is the subject of the criminal history record information requested under this section must consent to the release of the information.

(i) The release under this section of any criminal history record information maintained by the Federal Bureau of Investigation, including the computerized information submitted to the federal database maintained by the Federal Bureau of Investigation as described by Section 411.042(b)(9)(B), is subject to federal law and regulations, federal executive orders, and federal policy.

(j) The department may charge a fee for subscription services to cover the costs of administering this section.

(k) A governmental agency may coordinate with the department regarding the use of the fingerprinting fee collection process to collect a fee for the criminal history record information and any other fees associated with obtaining a person's fingerprints as required by the department.

Added by Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 18, eff. June 15, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.04, eff. June 19, 2009.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 1, eff. September 1, 2025.

Sec. 411.085. UNAUTHORIZED OBTAINING, USE, OR DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION; PENALTY.

(a) A person commits an offense if the person knowingly or intentionally:

(1) obtains criminal history record information in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information; or

(2) violates a rule of the department adopted under this subchapter.

(b) An offense under Subsection (a) is a Class B misdemeanor, except as provided by Subsection (c).

(c) An offense under Subsection (a) is a felony of the second degree if the person:

(1) obtains, uses, or discloses criminal history record information for remuneration or for the promise of remuneration; or

(2) employs another person to obtain, use, or disclose criminal history record information for remuneration or for the promise of remuneration.

(d) The department shall provide a copy of this section to:

(1) each person who applies for access to criminal

history record information maintained by the department; and

(2) each private entity that purchases criminal history record information from the department.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. 1303), Sec. 8, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.05, eff. June 19, 2009.

Sec. 411.0851. DUTY OF PRIVATE ENTITY TO UPDATE CRIMINAL HISTORY RECORD INFORMATION; CIVIL LIABILITY. (a) A private entity that compiles and disseminates for compensation criminal history record information shall destroy and may not disseminate any information in the possession of the entity with respect to which the entity has received notice that:

(1) an order of expunction has been issued under Subchapter E or F, Chapter 55A, Code of Criminal Procedure; or

(2) an order of nondisclosure of criminal history record information has been issued under Subchapter E-1 of this chapter.

(b) Unless the entity is regulated by the federal Fair Credit Reporting Act (15 U.S.C. Section 1681 et seq.) or the Gramm-Leach-Bliley Act (15 U.S.C. Sections 6801 to 6809), a private entity described by Subsection (a) that purchases criminal history record information from the department or from another governmental agency or entity in this state:

(1) may disseminate that information only if, within the 90-day period preceding the date of dissemination, the entity:

(A) originally obtains that information; or

(B) receives that information as updated record information to its database; and

(2) shall notify the department if the entity sells any compilation of the information to another similar entity.

(c) A private entity that disseminates information in violation of this section is liable for any damages that are sustained as a result of the violation by the person who is the

subject of that information. A person who prevails in an action brought under this section is also entitled to recover court costs and reasonable attorney's fees.

Added by Acts 2007, 80th Leg., R.S., Ch. 1017 (H.B. 1303), Sec. 7, eff. September 1, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 780 (S.B. 1056), Sec. 2, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 731 (H.B. 961), Sec. 8, eff. June 17, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 23, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.088, eff. January 1, 2025.

Sec. 411.086. RULES. (a) The department shall adopt rules to administer this subchapter.

(b) Rules adopted by the department:

(1) shall provide for a uniform method of requesting criminal history record information from the department;

(2) may require a person requesting criminal history record information about an individual to submit to the department one or more of the following:

(A) the complete name, race, and sex of the individual;

(B) any known alias name of the individual;

(C) a complete set of the individual's fingerprints;

(D) a recent photograph of the individual;

(E) any known identifying number of the individual, including FBI number, driver's license number, or state identification number;

(F) the individual's date of birth;

(G) any known alias dates of birth of the individual; or

(H) any other information the department determines is necessary to identify the individual or the record;

(3) shall provide for the methods and formats for dissemination of criminal history record information; and

(4) shall provide security measures and policies that are designed to guard against unauthorized release or dissemination of criminal history record information that is maintained or disseminated by the department.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 2, eff. September 1, 2025.

Sec. 411.0865. CONTRACTS FOR FINGERPRINTING SERVICES. (a) If the department enters into a contract with a vendor to provide fingerprinting services throughout this state for use in accessing criminal history record information, including a contract entered into under Section 2157.068, the department shall:

(1) include in the contract a provision that:

(A) requires notice to the public of a permanent closure of a location accessible to the public that provides fingerprinting services at least 45 days before the date on which the location closes;

(B) requires a mobile unit to provide fingerprinting services in or as near as practicable to the area of a location accessible to the public that permanently closes until a replacement location is opened in that area at full capacity if the closure would cause the vendor to not meet contractual coverage requirements; and

(C) allows the department to contract with a second vendor to provide fingerprinting services or to provide fingerprinting services by other means if the department determines that the original vendor has not fulfilled the contract in a reasonable manner; and

(2) annually review and prepare a report on the services provided by the vendor under the contract that includes a determination on the vendor's ability to adequately address the need for fingerprinting services throughout this state based on:

(A) the availability of fingerprinting

appointments throughout this state, including any wait times for appointments at locations; and

(B) a study of the miles required to travel throughout this state in order to receive fingerprinting services and whether there are short-term or chronic gaps in coverage in certain areas of this state.

(b) The department shall provide the report prepared under Subsection (a)(2) to the governor and members of the legislature. Added by Acts 2021, 87th Leg., R.S., Ch. 184 (S.B. 922), Sec. 1, eff. September 1, 2021.

Sec. 411.087. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION MAINTAINED BY FEDERAL BUREAU OF INVESTIGATION OR LOCAL CRIMINAL JUSTICE AGENCY. (a) Unless otherwise authorized by Subsection (e), a person, agency, department, political subdivision, or other entity that is authorized by this subchapter or Subchapter E-1 to obtain from the department criminal history record information maintained by the department that relates to another person is authorized to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to that person; or

(2) obtain from any other criminal justice agency in this state criminal history record information maintained by that criminal justice agency that relates to that person.

(b) Any restriction or limitation in this subchapter or Subchapter E-1 on criminal history record information that a person, agency, department, political subdivision, or other entity is entitled to obtain from the department applies equally to the criminal history record information that the person, agency, department, political subdivision, or other entity is entitled to obtain from the identification division of the Federal Bureau of Investigation or other criminal justice agency.

(c) Subsection (a) does not authorize a person, agency, department, political subdivision, or other entity to obtain criminal history record information from the identification division of the Federal Bureau of Investigation if dissemination of

criminal history record information by the division is prohibited by federal law, executive order, or rule.

(d) A person, agency, department, political subdivision, or other entity that is not a criminal justice agency is entitled to obtain criminal history record information from the Federal Bureau of Investigation only if:

(1) the requestor submits a complete set of the individual's fingerprints and other identifying information and pays any fee required or approved by the bureau;

(2) no disqualifying record or information from a state or local criminal justice agency is known to the requestor; and

(3) the request is not for the purpose of discriminating against a person because of the person's race, sex, age, disability, religion, color, or national origin.

(e) The department may provide access to state and national criminal history record information to a qualified entity entitled to that information regarding the entity's employees and contractors under the National Child Protection Act of 1993 (34 U.S.C. Section 40102). The department must follow federal law and regulation, federal executive orders, and federal policy in releasing information under this subsection.

(f) Notwithstanding any other law, a person, agency, department, political subdivision, or other entity entitled to access the criminal history record information of a person under Subsection (e) is not required to collect or submit the person's fingerprints if:

(1) a complete set of the person's fingerprints was previously submitted under Subsection (d)(1);

(2) the department retained the fingerprints;

(3) the fingerprints are acceptable to the Federal Bureau of Investigation for access to criminal history record information; and

(4) the only purpose for which the person's fingerprints are collected is to access criminal history record information under Subsection (e).

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Amended by Acts 1995, 74th Leg., ch. 248, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 19, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 1082 (S.B. 1178), Sec. 12, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 24, eff. September 1, 2015.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 3, eff. September 1, 2025.

Sec. 411.088. FEES. (a) Except as otherwise provided by Subsection (a-1), the department may charge a person a fee for processing inquiries for criminal history record information. The department may charge:

(1) a fee of $10 for each inquiry for criminal history record information on a person that is processed only on the basis of the person's name, unless the inquiry is submitted electronically or by magnetic media, in which event the fee is $1;

(2) a fee of $15 for each inquiry for criminal history record information on a person that is processed on the basis of a fingerprint comparison search; and

(3) except as provided by Subsection (b), actual costs for processing all other information inquiries.

(a-1) The department may not charge a fee under Subsection (a) for providing criminal history record information to:

(1) a criminal justice agency;

(2) the office of capital and forensic writs; or

(3) a public defender's office.

(b) The department may not charge for processing an electronic inquiry, made through the use of the Internet, for information described as public information under:

(1) Section 411.1355; or

(2) Article 62.005, Code of Criminal Procedure.

(c) The fee a municipality pays under Subsection (a)(1) for an inquiry submitted electronically or by magnetic media may be

used to allow the department to make the information available through electronic means under Section 411.129.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 165, Sec. 8, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 747, Sec. 1, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 791, Sec. 2, eff. June 18, 1999; Acts 1999, 76th Leg., ch. 1024, Sec. 2, eff. June 18, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 21.001(40), eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1008 (H.B. 867), Sec. 2.09, eff. September 1, 2005.

Acts 2013, 83rd Leg., R.S., Ch. 1188 (S.B. 1044), Sec. 2, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1215 (S.B. 1743), Sec. 24, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 637 (H.B. 5202), Sec. 1, eff. June 11, 2023.

Sec. 411.089. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CRIMINAL JUSTICE AGENCY. (a) A criminal justice agency is entitled to obtain from the department any criminal history record information maintained by the department about a person.

(b) Criminal history record information obtained under Subsection (a) may be released by the criminal justice agency:

(1) to any other criminal justice agency, if such release is for a criminal justice purpose; and

(2) through audio response terminals and radio devices, whether digital or voice, if such dissemination is in accordance with rules promulgated by the department.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Sec. 411.0891. DEPARTMENT ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS. (a) The department may obtain as provided by Subsection (a-1) criminal history record information that relates to a person who:

(1) is an applicant for or holds a registration issued

by the director under Subchapter C, Chapter 481, Health and Safety Code, that authorizes the person to manufacture, distribute, analyze, or conduct research with a controlled substance;

(2) is an applicant for or holds a registration issued by the department under Chapter 487, Health and Safety Code, to be a director, manager, or employee of a dispensing organization, as defined by Section 487.001, Health and Safety Code;

(3) is an applicant for or holds an authorization issued by the department under Section 521.2476, Transportation Code, to do business in this state as a vendor of ignition interlock devices;

(4) is an applicant for or holds certification by the department as an inspection station or an inspector under Subchapter G, Chapter 548, Transportation Code, holds an inspection station or inspector certificate issued under that subchapter, or is the owner of an inspection station operating under that chapter;

(5) is an applicant for or holds a certificate of registration issued by the department under Chapter 1956, Occupations Code, to act as a metal recycling entity;

(6) is an applicant for or holds a license to carry a handgun issued by the department under Subchapter H, or is an applicant for or holds a certification as an instructor issued by the department under this chapter;

(7) is an applicant for or holds a Capitol access pass issued by the department under Section 411.0625; or

(8) is an applicant for or holds a license or commission issued by the department under Chapter 1702, Occupations Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the department is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from any other criminal justice agency in this state criminal history record information maintained by that criminal justice agency that relates to a person described by Subsection (a).

(b) The department may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). The department may release or disclose criminal history record information obtained by the department under Subsection (a-1)(2) for a purpose described by Subsection (a) to another person or agency only:

(1) in a criminal proceeding;

(2) in a hearing conducted by the department;

(3) under an order from a court; or

(4) with the consent of the person who is the subject of the criminal history record information.

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

(d) The department may require any person for whom the department is authorized to obtain criminal history record information under Subsections (a) and (a-1) to submit a complete and legible set of fingerprints to the department on a form prescribed by the department for the purpose of obtaining criminal history record information.

(e) The department shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 9.01, eff. June 19, 2009.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.001, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 13, eff. June 13, 2023.

Sec. 411.090. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD FOR EDUCATOR CERTIFICATION. (a) The State Board for Educator Certification is entitled to obtain any criminal history record information as provided by Subsection (a-1) about a person who has applied to the board for or who currently holds a certificate under Subchapter B, Chapter 21, Education Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the State Board for Educator Certification is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The State Board for Educator Certification may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the board under Subsection (a-1)(2) in the original form or any subsequent form:

(1) may be used only for a purpose related to the issuance, denial, reprimand, suspension, revocation, or cancellation of a certificate issued by the board;

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

(A) to the person who is the subject of the information;

(B) to the Texas Education Agency;

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

(D) by court order; and

(3) is not subject to disclosure as provided by Chapter 552.

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

(d) The State Board for Educator Certification is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a

hearing conducted by the Texas Education Agency or the State Board for Educator Certification.

(e) The State Board for Educator Certification shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 260, Sec. 27, eff. May 30, 1995.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 20, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 9A.02, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 14, eff. June 13, 2023.

Sec. 411.0901. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS EDUCATION AGENCY. (a) The Texas Education Agency is entitled to obtain criminal history record information as provided by Subsection (a-1) about a person who:

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

(2) is employed or is an applicant for employment by a shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present;

(3) is employed or is an applicant for employment by an entity that contracts or subcontracts with a school district, open-enrollment charter school, or shared services arrangement, if the applicant or employee has or will have:

(A) continuing duties related to the contracted or subcontracted services; and

(B) direct contact with students;

(4) is employed or is an applicant for employment by the Texas Education Agency; or

(5) provides services as a tutor on behalf of a service

provider that offers accelerated or supplemental instruction under Section 28.0211, Education Code, if the tutor has or will have continuing duties related to the services provided and has or will have direct contact with students.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Education Agency is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Texas Education Agency may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the agency under Subsection (a-1)(2) in the original form or any subsequent form:

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

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

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

(B) the State Board for Educator Certification;

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

(D) by court order; or

(E) as provided by Subsection (c); and

(3) is not subject to disclosure as provided by Chapter 552.

(c) The Texas Education Agency is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Education Agency or the State Board for Educator Certification.

(d) The Texas Education Agency shall destroy criminal

history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 21, eff. June 15, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 9A.03, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 15, eff. June 13, 2023.

Sec. 411.091. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS ALCOHOLIC BEVERAGE COMMISSION. (a) The Texas Alcoholic Beverage Commission is entitled to obtain from the department criminal history record information maintained by the department that the commission believes is necessary for the enforcement or administration of the Alcoholic Beverage Code.

(b) Criminal history record information obtained by the commission under Subsection (a) may be used only for the enforcement and administration of the Alcoholic Beverage Code.

(c) Repealed by Acts 2001, 77th Leg., ch. 1420, Sec. 14.753, eff. Sept. 1, 2001.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(28), eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 1420, Sec. 14.752, 14.753, eff. Sept. 1, 2001.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 9.001, eff. September 1, 2013.

Sec. 411.0915. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION OF POLITICAL SUBDIVISIONS: TEXAS ALCOHOLIC BEVERAGE COMMISSION. The commission is entitled to receive criminal history record information, without charge, from any political subdivision of this state. Information obtained may only be used by the commission for the enforcement of the Alcoholic Beverage Code.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Sec. 411.092. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: BANKING COMMISSIONER. (a) The banking commissioner is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a license, charter, or other authority granted or issued by the banking commissioner under:

(A) Subtitle A, F, or G, Title 3, Finance Code;

(B) Chapter 151 or 154, Finance Code; or

(C) Chapter 712, Health and Safety Code;

(2) a principal of an applicant under Subdivision (1);

(3) an employee of or applicant for employment or volunteer with the Texas Department of Banking; or

(4) a contractor or subcontractor of the Texas Department of Banking.

(b) Criminal history record information obtained by the commissioner under Subsection (a), except on court order or as provided by Subsection (c), may not be released or disclosed to any person.

(c) The commissioner is not prohibited from disclosing to the individual who is the subject of the information the dates and places of arrests, the offenses, and the dispositions in the criminal history record information.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 194, Sec. 1, eff. May 23, 1995; Acts 1999, 76th Leg., ch. 62, Sec. 7.59, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 35 (S.B. 192), Sec. 1, eff. September 1, 2013.

Sec. 411.093. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) The Texas Department of Licensing and Regulation is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) an applicant for or the holder of:

(A) a driver education instructor license under

Chapter 1001, Education Code;

(B) a license under Chapter 466;

(C) a license under Chapter 202, Occupations Code;

(D) a license under Chapter 401, Occupations Code;

(E) a license under Chapter 402, Occupations Code;

(F) a license under Chapter 2001, Occupations Code; or

(G) an instructor license or motorcycle school license under Chapter 662, Transportation Code;

(2) a person who is:

(A) an applicant for or the holder of a license under Chapter 91, Labor Code; or

(B) a controlling person, as defined by Chapter 91, Labor Code, of an entity described by Paragraph (A); or

(3) a person who:

(A) is an applicant for or the holder of a license under Chapter 455, Occupations Code; or

(B) has an interest described under Section 455.1525(e), Occupations Code, in an entity described by Paragraph (A).

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Department of Licensing and Regulation is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Department of Licensing and Regulation may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained

by the Texas Department of Licensing and Regulation under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Department of Licensing and Regulation is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Department of Licensing and Regulation or the State Office of Administrative Hearings.

(e) The Texas Department of Licensing and Regulation shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 296, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 16, eff. June 13, 2023.

Acts 2025, 89th Leg., R.S., Ch. 1160 (S.B. 3070), Sec. 1, eff. June 20, 2025.

Sec. 411.094. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HIGHER EDUCATION ENTITIES; SECURITY-SENSITIVE POSITION. (a) In this section:

(1) "Institution of higher education":

(A) has the meaning assigned by Section 61.003, Education Code; or

(B) means a private institution of higher education that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(2) "Security-sensitive position" means an employment position held by an employee who:

(A) handles currency;

(B) has access to a computer terminal;

(C) has access to the personal information or

identifying information of another person;

(D) has access to the financial information of the employer or another person;

(E) has access to a master key; or

(F) works in a location designated as a security-sensitive area.

(b) The Texas Higher Education Coordinating Board and each institution of higher education are entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for a security-sensitive position at the coordinating board or institution, as applicable.

(c) Criminal history record information obtained under Subsection (b) may be used only for the purpose of evaluating applicants for employment in security-sensitive positions.

(d) Criminal history record information received under Subsection (b) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) All criminal history record information obtained about an individual under Subsection (b) shall be destroyed by the coordinating board or by the chief of police of the institution of higher education, as applicable, as soon as practicable after the individual becomes employed in a security-sensitive position and after the expiration of any probationary term of employment or, if the individual is not hired for a security-sensitive position, after the information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 296, Sec. 3, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.06, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 340 (H.B. 2937), Sec. 1, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 340 (H.B. 2937), Sec. 2, eff. June 17, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 340 (H.B. 2937), Sec. 3, eff. June 17, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1148 (S.B. 146), Sec. 1, eff. June 14, 2013.

Sec. 411.0945. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PUBLIC INSTITUTION OF HIGHER EDUCATION; ON-CAMPUS STUDENT HOUSING. (a) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(b) An institution of higher education is entitled to obtain from the department criminal history record information maintained by the department that relates to a student, or to an applicant for admission as a student, who applies to reside in on-campus housing at the institution.

(c) Criminal history record information obtained by an institution of higher education under Subsection (b) may be used by the chief of police of the institution or by the institution's housing office only for the purpose of evaluating current students or applicants for enrollment who apply to reside in on-campus housing at the institution. The institution shall notify a student who is the subject of the criminal history record information of any use of the information to deny the student the opportunity to reside in on-campus housing at the institution.

(d) Criminal history record information received by an institution of higher education under Subsection (b) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) As soon as practicable after the beginning of the academic period for which the person's housing application was submitted, all criminal history record information obtained about a person under Subsection (b), including any copy of the content of that information held by the institution, shall be destroyed by the chief of police of the institution of higher education or by the institution's housing office, as applicable.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1148 (S.B. 146), Sec. 2,

eff. June 14, 2013.

Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CONSUMER CREDIT COMMISSIONER. (a) The consumer credit commissioner is entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to a person who is:

(1) an applicant for or holder of a license or registration under Chapter 180, 342, 347, 348, 351, 353, 371, 393, or 394, Finance Code;

(2) an employee of or volunteer with the Office of Consumer Credit Commissioner;

(3) an applicant for employment with the Office of Consumer Credit Commissioner;

(4) a contractor or subcontractor of the Office of Consumer Credit Commissioner; or

(5) an officer, director, owner, or employee of a person described by Subdivision (1) or another person having a substantial relationship with that person under Chapter 180, 342, 347, 348, 351, 353, 371, 393, or 394, Finance Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the consumer credit commissioner is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The consumer credit commissioner may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1), except to the person who is the subject of the criminal history record information. The consumer credit commissioner may not release or disclose criminal history record information obtained under Subsection (a-1)(2) except:

(1) on court order;

(2) to the person who is the subject of the criminal history record information;

(3) with the consent of the person who is the subject of the criminal history record information; or

(4) in a hearing where the Office of Consumer Credit Commissioner is a party.

(c) The consumer credit commissioner shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 7.60, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1235, Sec. 24, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 296, Sec. 13(1), eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1104 (H.B. 10), Sec. 20, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 117 (H.B. 2559), Sec. 18, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 256 (S.B. 1075), Sec. 1, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 17, eff. June 13, 2023.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 4, eff. September 1, 2025.

Sec. 411.096. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS RACING COMMISSION. (a) The Texas Racing Commission is entitled to obtain as provided by Subsection (a-1) criminal history record information that relates to:

(1) a person who:

(A) is an applicant for or the holder of a license or certificate under Chapter 2025, Occupations Code;

(B) is an owner or manager of an applicant or license holder described by Paragraph (A); or

(C) has an interest described under Chapter 2025, Occupations Code, in an entity described by that chapter;

(2) an applicant for employment at or current employee of:

(A) the Texas Racing Commission; or

(B) a place of employment within the racing industry of this state; or

(3) an applicant for employment at, current employee of, or person who contracts or may contract to provide goods or services with the Texas Racing Commission.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Racing Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Texas Racing Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Texas Racing Commission under Subsection (a-1)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (c).

(c) The Texas Racing Commission is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Racing Commission or the State Office of Administrative Hearings.

(d) The Texas Racing Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 963 (S.B. 1969), Sec. 2.04,

eff. April 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 18, eff. June 13, 2023.

Sec. 411.097. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: LOCAL AND REGIONAL EDUCATIONAL ENTITIES. (a) A school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, is entitled to obtain criminal history record information as provided by Subsection (c-1) that the district, school, service center, shared services arrangement, or entity is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is:

(1) an applicant for employment by the district, school, service center, or shared services arrangement;

(2) an employee of or an applicant for employment with a public or commercial transportation company that contracts with the district, school, service center, or shared services arrangement to provide transportation services if the employee drives or the applicant will drive a bus in which students are transported or is employed or is seeking employment as a bus monitor or bus aide on a bus in which students are transported;

(3) an employee of or applicant for employment by an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834, Education Code;

(4) an employee of or applicant for employment by a subcontractor of an entity that contracts to provide services to a school district, charter school, or shared services arrangement as provided by Section 22.0834, Education Code; or

(5) a tutor who provides services on behalf of a service provider that offers accelerated or supplemental instruction under Section 28.0211, Education Code.

(b) A school district, charter school, private school, regional education service center, or education shared services

arrangement is entitled to obtain criminal history record information as provided by Subsection (c-1) that the district, school, service center, or shared services arrangement is required or authorized to obtain under Subchapter C, Chapter 22, Education Code, that relates to a person who is a volunteer, student teacher, or employee of the district, school, service center, or shared services arrangement.

(c) An open-enrollment charter school is entitled to obtain criminal history record information as provided by Subsection (c-1) that relates to a person who:

(1) is a member of the governing body of the school, as defined by Section 12.1012, Education Code; or

(2) has agreed to serve as a member of the governing body of the school.

(c-1) Subject to Section 411.087 and consistent with the public policy of this state:

(1) a school district, charter school, regional education service center, or education shared services arrangement is entitled to obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a), (b), or (c), as applicable; and

(2) a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement, or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, is entitled to obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a), (b), or (c), as applicable.

(d) A school district, charter school, regional education service center, or education shared services arrangement may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c-1)(1). Criminal history record information obtained by a school district, charter school, private school, service

center, commercial transportation company, or shared services arrangement, or obtained by an entity that contracts to provide services to a school district, charter school, or shared services arrangement, under Subsection (c-1)(2) in the original form or any subsequent form:

(1) may not be released to any person except:

(A) the individual who is the subject of the information;

(B) the Texas Education Agency;

(C) the State Board for Educator Certification;

(D) the chief personnel officer of the transportation company, if the information is obtained under Subsection (a)(2); or

(E) by court order; and

(2) is not subject to disclosure as provided by Chapter 552.

(e) If a regional education service center or commercial transportation company that receives criminal history record information from the department under this section requests the information by providing to the department a list, including the name, date of birth, and any other personal descriptive information required by the department for each person, through electronic means, magnetic tape, or disk, as specified by the department, the department may not charge the service center or commercial transportation company more than the lesser of:

(1) the department's cost for providing the information; or

(2) the amount prescribed by another law.

(f) An employee of a school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement may request from the employer a copy of any criminal history record information relating to that employee that the employer has obtained as provided by Subchapter C, Chapter 22, Education Code. The employer may charge a fee to an employee requesting a

copy of the information in an amount not to exceed the actual cost of copying the requested criminal history record information.

(g) A school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (c-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Education Agency or the State Board for Educator Certification.

(h) A school district, charter school, private school, regional education service center, commercial transportation company, or education shared services arrangement or an entity that contracts to provide services to a school district, charter school, or shared services arrangement, as applicable, shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 260, Sec. 27, eff. May 30, 1995; Acts 1997, 75th Leg., ch. 1438, Sec. 13, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 1504, Sec. 33, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 22, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1372 (S.B. 9), Sec. 23, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 9A.04, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 1070 (H.B. 3270), Sec. 4, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 19, eff. June 13, 2023.

Sec. 411.0971. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEACHER RETIREMENT SYSTEM OF TEXAS. (a) The Teacher Retirement System of Texas is entitled to obtain from the

department, the Federal Bureau of Investigation Criminal Justice Information Services Division, or another law enforcement agency criminal history record information maintained by the department, division, or agency that relates to a person who:

(1) is an employee or an applicant for employment with the retirement system;

(2) is a consultant, contract employee, independent contractor, intern, or volunteer for the retirement system or an applicant to serve in one of those positions;

(3) proposes to enter into a contract with or has a contract with the retirement system to perform services for or supply goods to the retirement system; or

(4) is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to the retirement system.

(b) Criminal history record information obtained by the Teacher Retirement System of Texas under Subsection (a) may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information; or

(3) to a federal agency as required by federal law or executive order.

(c) The Teacher Retirement System of Texas shall destroy criminal history record information obtained under this section after the information is used for the purposes authorized by this section.

(d) The Teacher Retirement System of Texas may provide a copy of the criminal history record information obtained from the department, the Federal Bureau of Investigation Criminal Justice Information Services Division, or other law enforcement agency to the individual who is the subject of the information.

(e) The failure or refusal of an employee or applicant to provide the following on request constitutes good cause for dismissal or refusal to hire:

(1) a complete set of fingerprints;

(2) a true and complete name; or

(3) other information necessary for a law enforcement entity to obtain criminal history record information.

Added by Acts 2011, 82nd Leg., R.S., Ch. 455 (S.B. 1667), Sec. 2, eff. September 1, 2011.

Sec. 411.0972. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: QUALIFIED PRIVATE SCHOOLS. (a) In this section, "qualified private school" means a school that:

(1) offers a course of instruction for students in this state in one or more grades from prekindergarten through grade 12;

(2) is accredited by an organization recognized by the Texas Education Agency or the Texas Private School Accreditation Commission; and

(3) is determined to be eligible by the department under Subsection (b).

(b) On request by a private school, the department shall determine whether the school is eligible under the National Child Protection Act of 1993 (34 U.S.C. Section 40102) to obtain criminal history record information that relates to an employee or an applicant for employment.

(c) A qualified private school may obtain state criminal history record information from the department.

(d) Except as provided by Subsection (f), criminal history record information obtained by a qualified private school in the original form or any subsequent form:

(1) may not be released to any person except the person who is the subject of the information;

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

(3) shall be destroyed by the school after the information is used for the authorized purpose.

(e) A qualified private school may obtain criminal history record information from the Federal Bureau of Investigation identification division in accordance with Section 411.087.

(f) Criminal history record information obtained from the Federal Bureau of Investigation may not be released or disclosed

except on court order.

Added by Acts 2023, 88th Leg., R.S., Ch. 1105 (S.B. 1471), Sec. 3, eff. June 18, 2023.

Sec. 411.098. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED. (a) The Texas School for the Blind and Visually Impaired is entitled to obtain criminal history record information maintained by the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency which relates to school employees, professional consultants, applicants for permanent, temporary, or consultative employment, student teachers, educational interns, persons who perform ongoing educational projects at the school, and volunteer positions whose employment or potential employment or volunteer positions with the school involves direct interactions with, or the opportunity to interact and associate with, the children or youth attending the school.

(b) Criminal history record information obtained by the school under Subsection (a) may not be released or disclosed to any person except on court order, with the consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(c) The school shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

(d) The school may provide the applicant, employee, professional consultant, volunteer, student teacher, educational intern, or person who performs ongoing educational projects at the school with a copy of respective criminal history record information obtained from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency.

(e) The failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for dismissal or refusal to hire or accept for placement, as applicable, with regard to school employees, professional

consultants, applicants for permanent, temporary, or consultative employment, student teachers, educational interns, persons who perform ongoing educational projects at the school, or volunteer positions whose employment or potential employment or volunteer position with the school involves direct interactions with, or the opportunity to interact and associate with, the children or youth attending the school.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1341, Sec. 6, eff. Sept. 1, 1997.

Sec. 411.099. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF MEDICAL EXAMINERS. The Texas State Board of Medical Examiners is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a license under Subtitle B, Title 3, Occupations Code; or

(2) the holder of a license under that subtitle.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.754, eff. Sept. 1, 2001.

Sec. 411.0995. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD OF VETERINARY MEDICAL EXAMINERS. (a) The State Board of Veterinary Medical Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a license under Chapter 801, Occupations Code, for a person who is:

(1) an applicant for:

(A) a license, temporary license, or special license to practice veterinary medicine;

(B) a veterinary technician license; or

(C) an equine dental provider license; or

(2) a holder of a license described by Subdivision (1)(A), (B), or (C).

(b) Subject to Section 411.087 and consistent with the

public policy of this state, the State Board of Veterinary Medical Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The State Board of Veterinary Medical Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the State Board of Veterinary Medical Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The State Board of Veterinary Medical Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the State Board of Veterinary Medical Examiners.

(e) The State Board of Veterinary Medical Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2011, 82nd Leg., R.S., Ch. 940 (H.B. 414), Sec. 28, eff. September 1, 2011.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 20, eff. June 13, 2023.

Sec. 411.100. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: BOARD OF LAW EXAMINERS AND STATE BAR OF TEXAS. (a) The Board of Law Examiners is entitled to obtain from the department criminal history record information maintained by the

department that relates to a person who is an applicant to take a bar examination.

(a-1) The State Bar of Texas is entitled to obtain:

(1) from the department, criminal history record information maintained by the department that relates to a person who is a member of the state bar; or

(2) from the Board of Law Examiners, criminal history record information obtained under Subsection (a).

(b) Criminal history record information obtained under Subsection (a) or (a-1) may not be released or disclosed to any person, except on court order or with consent of the applicant.

(c) Immediately following the decision of the Board of Law Examiners on recommending an applicant, the board shall collect and make accessible to the State Bar of Texas all criminal history record information obtained by the board that relates to that applicant.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 531 (S.B. 302), Sec. 12, eff. September 1, 2017.

Sec. 411.1005. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BAR OF TEXAS. (a) The chief disciplinary counsel of the State Bar of Texas is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) licensed by the state bar;

(2) the subject of or involved in an investigation of:

(A) professional misconduct relating to a grievance filed under the disciplinary rules of the state bar; or

(B) barratry, the unauthorized practice of law, or falsely holding oneself out as a lawyer, in violation of Section 38.12, 38.122, or 38.123, Penal Code;

(3) a witness in any disciplinary action or proceeding conducted by the state bar, the Board of Disciplinary Appeals, or any court; or

(4) an applicant for reinstatement to practice law.

(b) Information received by the state bar is confidential and may be disseminated only:

(1) in a disciplinary action or proceeding conducted by the state bar, the Board of Disciplinary Appeals, or any court; or

(2) with the consent of the person who is the subject of the criminal history record information.

(c) The state bar shall destroy criminal history record information obtained under this section promptly after a final determination is made in the matter for which the information was obtained.

Added by Acts 1997, 75th Leg., ch. 440, Sec. 1, eff. May 29, 1997. Renumbered from Sec. 411.135 by Acts 1999, 76th Leg., ch. 62, Sec. 19.01(39), eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.08, eff. June 19, 2009.

Acts 2017, 85th Leg., R.S., Ch. 531 (S.B. 302), Sec. 13, eff. September 1, 2017.

Sec. 411.102. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: MCGRUFF HOUSE PROGRAM. (a) In this section:

(1) "McGruff House" means a house that has been designated as a temporary haven for school-age children by a McGruff House program.

(2) "McGruff House program" means a program organized by local law enforcement agencies and civic organizations to provide a temporary haven and sense of security to school-age children in emergency or threatening situations.

(b) A local law enforcement agency involved in establishing a McGruff House program is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an adult residing in a McGruff House.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Sec. 411.103. ACCESS TO CRIMINAL HISTORY RECORD

INFORMATION: CHILD WATCH PROGRAM. (a) In this section, "child watch program" means a program organized by a local civic organization with the cooperation of a school district to protect schoolchildren by having parents or volunteers patrol their residential neighborhoods and schools to watch for suspicious activity, dangers, and threats to children.

(b) A local law enforcement agency that participates in a child watch program is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is a participant in the program; and

(2) gives written consent to the disclosure of the information.

(c) Criminal history record information obtained by a law enforcement agency under Subsection (b) may not be released or disclosed except on court order or with the consent of the person who is the subject of the criminal history record information.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Sec. 411.104. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS WORKFORCE COMMISSION; SECURITY SENSITIVE POSITIONS. (a) In this section, "security sensitive position" has the meaning assigned by Section 301.042(c), Labor Code.

(b) The Texas Workforce Commission is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for a security sensitive position.

(c) Criminal history record information obtained by the commission under Subsection (b) may not be released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

(d) After the commission hires an applicant for a security sensitive position, the commission shall seal the criminal history record information that relates to the applicant and deliver the information to the agency administrator or the administrator's designee, who shall destroy the information.

(e) The commission shall destroy the criminal history record information of an applicant who is not hired.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 76, Sec. 9.59, eff. Sept. 1, 1995; Acts 2003, 78th Leg., ch. 296, Sec. 4, 5, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1138 (S.B. 208), Sec. 3, eff. September 1, 2015.

Sec. 411.1041. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS WORKFORCE COMMISSION; VOCATIONAL REHABILITATION AND OTHER SERVICES. (a) The Texas Workforce Commission, in connection with the administration of vocational rehabilitation services and other services and programs under Subtitle C, Title 4, Labor Code, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant selected for employment with the commission whose potential duties include direct contact with clients to provide those services;

(2) an applicant for those services from the commission; or

(3) a client receiving those services from the commission.

(b) Criminal history record information obtained by the commission under Subsection (a) may not be released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

Added by Acts 2015, 84th Leg., R.S., Ch. 1138 (S.B. 208), Sec. 4, eff. September 1, 2016.

Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. (a) The Texas State Board of Public Accountancy is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) an applicant for a license or certification as a certified public accountant under Chapter 901, Occupations Code;

(2) an applicant to take the uniform certified public accountant examination under Chapter 901, Occupations Code;

(3) an applicant for reinstatement of a license or certificate under Chapter 901, Occupations Code;

(4) an applicant for a license or certification renewal under Chapter 901, Occupations Code; or

(5) an owner or an individual who seeks to become an owner of a certified public accountancy firm if the owner or prospective owner is not a license holder under Chapter 901, Occupations Code.

(b) Subject to Section 411.087 of this code and Section 901.169, Occupations Code, and consistent with the public policy of this state, the Texas State Board of Public Accountancy is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas State Board of Public Accountancy may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the board under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The board is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by or on behalf of the board.

(e) The board shall destroy criminal history record information that is obtained under this section after the

information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 296, Sec. 6, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 9.002, eff. September 1, 2013.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 21, eff. June 13, 2023.

Sec. 411.106. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF INSURANCE. (a) The Texas Department of Insurance is entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to a person who is:

(1) an applicant for a license, permit, certificate of authority, certificate of registration, or other authorization issued by the Texas Department of Insurance to engage in an activity regulated under the Insurance Code, including a person who is:

(A) an applicant for approval of an acquisition, change, or divestiture of control of a domestic insurer under Chapter 823, Insurance Code;

(B) an applicant for or holder of a surplus lines license under Chapter 981, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(C) an applicant for or holder of a life insurance provider or broker license under Chapter 1111A, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(D) an applicant for or holder of a title insurance agent license under Chapter 2651, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(E) an applicant for or holder of an escrow officer license under Chapter 2652, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(F) an applicant for or holder of an agent

license, temporary license, or provisional permit under Chapter 4001, Insurance Code;

(G) an applicant for or holder of a general property and casualty license under Chapter 4051, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(H) an applicant for or holder of a managing general agent license under Chapter 4053, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(I) an applicant for or holder of a license under Chapter 4054, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(J) an applicant for or holder of a nonresident agent license under Chapter 4056, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(K) an applicant for or holder of an insurance adjuster license under Chapter 4101, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(L) an applicant for or holder of a public insurance adjuster license under Chapter 4102, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(M) an applicant for or holder of a certificate of authority under Chapter 4151, Insurance Code, or associated with an entity that is an applicant for or holder of such a certificate;

(N) an applicant for or holder of a reinsurance intermediary license under Chapter 4152, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(O) an applicant for or holder of a risk manager license under Chapter 4153, Insurance Code, or associated with an entity that is an applicant for or holder of such a license;

(P) an applicant for or holder of a certificate of registration under Chapter 4201, Insurance Code, or associated with an entity that is an applicant for or holder of such a certificate;

(Q) associated with an independent review organization that is an applicant for or holder of a certification under Chapter 4202, Insurance Code;

(R) associated with a discount health care program operator that is an applicant for or holder of a registration under Chapter 7001, Insurance Code; and

(S) an applicant for or holder of a license under Chapter 91, Labor Code; or

(2) a corporate officer or director of an insurance company regulated by the Texas Department of Insurance, including a company that is an applicant for or holder of a certificate of authority under the following provisions of the Insurance Code:

(A) Chapter 801;

(B) Chapter 822;

(C) Chapter 841;

(D) Chapter 843;

(E) Chapter 844;

(F) Chapter 846;

(G) Chapter 848;

(H) Chapter 964;

(I) Chapter 1305; and

(J) Title 11.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Department of Insurance is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Texas Department of Insurance may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Texas Department of Insurance under Subsection (a-1)(2) may not be

disclosed or released to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (b-1).

(b-1) The Texas Department of Insurance is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by the Texas Department of Insurance.

(c) The Texas Department of Insurance shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 22, eff. June 13, 2023.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 5, eff. September 1, 2025.

Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: RECEIVER. (a) In this section, "receiver" has the meaning assigned by Section 443.004, Insurance Code.

(b) A receiver is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to a person:

(1) who is a creditor or claimant of the receivership estate; or

(2) against whom the receivership estate has a claim.

(b-1) A receiver is entitled to obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) Criminal history record information obtained by a receiver under Subsection (b-1) may not be released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

(d) A receiver shall destroy criminal history record

information obtained by the receiver under this section after the purpose for which the information was obtained is accomplished.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 23, eff. June 13, 2023.

Sec. 411.109. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COMPTROLLER. (a) The comptroller is entitled to obtain criminal history record information as provided by Subsection (c) that the comptroller believes is necessary for the enforcement or administration of Chapter 103, Civil Practice and Remedies Code, or Chapter 151, 152, 154, 155, or 162, Tax Code, including criminal history record information that relates to a person who is:

(1) an applicant for a permit under any of those chapters;

(2) a permit holder under any of those chapters;

(3) an officer, director, stockholder owning 10 percent or more of the outstanding stock, partner, owner, or managing employee of an applicant or permit holder under any of those chapters that is a corporation, association, joint venture, syndicate, partnership, or proprietorship;

(4) believed to have violated any of those chapters;

(5) being considered by the comptroller for employment as a peace officer; or

(6) receiving, scheduled to receive, or applying to receive compensation under Chapter 103, Civil Practice and Remedies Code.

(b) The comptroller is entitled to obtain criminal history record information as provided by Subsection (c) that relates to a person who is an employee, intern, learner, trainee, contractor, subcontractor, apprentice, or volunteer of, or who is an applicant for employment or service in one of those capacities with, the comptroller's office in a position that involves:

(1) handling currency, checks, or other funds;

(2) having access to taxpayer account information;

(3) working in a location designated by the comptroller as a security-sensitive area;

(4) performing financial management duties designated by the comptroller as security sensitive;

(5) performing work on a computer system; or

(6) having remote access to comptroller computer systems, information technology, or information technology resources.

(b-1) The comptroller is entitled to obtain criminal history record information as provided by Subsection (c) about a person who is an employee of an education service provider or vendor of educational products who intends to provide educational services to a child participating in the program established under Subchapter J, Chapter 29, Education Code, and is seeking approval to receive money distributed under that program.

(c) Subject to Section 411.087 and consistent with the public policy of this state, the comptroller is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a), (b), or (b-1); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a), (b), or (b-1).

(d) The comptroller may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c)(1). Criminal history record information obtained by the comptroller under Subsection (c)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (e) or (f).

(e) The comptroller is not prohibited from disclosing to a person who is the subject of criminal history record information the dates and places of arrests, the offenses, and the dispositions in the criminal history record information.

(f) The comptroller is not prohibited from disclosing criminal history record information obtained under Subsection (c)(2) in a criminal proceeding or in a hearing conducted by the comptroller.

(g) The comptroller shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1035, Sec. 77, eff. June 19, 1997; Acts 1997, 75th Leg., ch. 1423, Sec. 8.12, eff. Sept. 1, 1997; Amended by Acts 2001, 77th Leg., ch. 442, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 68 (S.B. 934), Sec. 6, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1255 (H.B. 1905), Sec. 36(1), eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 621 (S.B. 1151), Sec. 2, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 25, eff. June 13, 2023.

Acts 2025, 89th Leg., R.S., Ch. 2 (S.B. 2), Sec. 4, eff. September 1, 2025.

Sec. 411.110. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF STATE HEALTH SERVICES AND HEALTH AND HUMAN SERVICES COMMISSION. (a) The Department of State Health Services and the Health and Human Services Commission are entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to a person who is:

(1) an applicant for a license or certificate under Chapter 773, Health and Safety Code, an owner or manager of an applicant for an emergency medical services provider license under that chapter, or the holder of a license or certificate under that chapter;

(2) an applicant for a license or a license holder under Subchapter I, L, or N, Chapter 431, Health and Safety Code;

(3) an applicant for employment at or current employee of:

(A) a public health hospital as defined by Section 13.033, Health and Safety Code; or

(B) the South Texas Health Care System;

(4) an applicant for employment at, current employee of, or person who contracts or may contract to provide goods or services with the Council on Sex Offender Treatment or other division or component of the Health and Human Services Commission that monitors sexually violent predators as described by Section 841.003(a), Health and Safety Code;

(5) authorized to access vital records or the vital records electronic registration system under Chapter 191, Health and Safety Code, including an employee of or contractor for the Department of State Health Services, a local registrar, a medical professional, or a funeral director; or

(6) an applicant for a license or a license holder under Subchapter C, Chapter 443, Health and Safety Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Department of State Health Services and the Health and Human Services Commission are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Department of State Health Services or the Health and Human Services Commission, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Department of State Health Services or the Health and Human Services Commission under Subsection (a-1)(2) may not be released or disclosed to any person except:

(1) on court order;

(2) with the written consent of the person who is the subject of the criminal history record information;

(3) between the Department of State Health Services and the Health and Human Services Commission to share with the other agency information obtained under this section for the purposes authorized by this section; or

(4) as provided by Subsection (e).

(c) The Department of State Health Services or the Health and Human Services Commission, as applicable, shall destroy the criminal history record information that is obtained under this section after the information is used for its authorized purpose.

(d) Repealed by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(4), eff. June 13, 2023.

(e) The Department of State Health Services or the Health and Human Services Commission, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by that agency.

(f) The Department of State Health Services or the Health and Human Services Commission may not consider offenses described by Section 542.304, Transportation Code, to determine whether to hire or retain an employee or to contract with a person on whom criminal history record information is obtained under this section. Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by:

Acts 2005, 79th Leg., Ch. 282 (H.B. 164), Sec. 3(j), eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 1300 (H.B. 2696), Sec. 33, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 7.004, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1151 (H.B. 2917), Sec. 1, eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 2.002, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 837 (S.B. 200), Sec. 5.04,

eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 1, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1094 (H.B. 2048), Sec. 3, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 26, eff. June 13, 2023.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(4), eff. June 13, 2023.

Sec. 411.1103. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health and Human Services Commission is entitled to obtain criminal history record information as provided by Subsection (d) that relates to a person:

(1) who is:

(A) an applicant for employment at a state hospital established under Chapter 552, Health and Safety Code;

(B) an employee of a state hospital established under Chapter 552, Health and Safety Code;

(C) a person who contracts or may contract to provide goods or services to the Health and Human Services Commission, as applicable, at a state hospital established under Chapter 552, Health and Safety Code, or an employee of or applicant for employment with that person;

(D) a volunteer with a state hospital established under Chapter 552, Health and Safety Code; or

(E) an applicant for a volunteer position with a state hospital established under Chapter 552, Health and Safety Code; and

(2) who would be placed in direct contact with a patient at a state hospital established under Chapter 552, Health and Safety Code.

(b) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (d)(1). Criminal history record information obtained by the

Health and Human Services Commission under Subsection (d)(2) may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information;

(3) for purposes of an administrative hearing held by the Health and Human Services Commission concerning the person who is the subject of the criminal history record information; or

(4) as provided by Subsection (c).

(c) The Health and Human Services Commission is not prohibited from releasing criminal history record information obtained under Subsection (d)(2) to the person who is the subject of the criminal history record information.

(d) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(e) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

(f) The Health and Human Services Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2013, 83rd Leg., R.S., Ch. 395 (S.B. 152), Sec. 5, eff. June 14, 2013.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 2, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 27, eff. June 13, 2023.

Sec. 411.1105. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health and Human Services Commission is entitled to obtain criminal history record information as provided by Subsections (a-1) and (b) that relates to a person who is:

(1) an applicant for a chemical dependency counselor's license, a counselor intern's registration, or a clinical supervisor certification under Chapter 504, Occupations Code; or

(2) the holder of a license, registration, or certification under that chapter.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) In addition to information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1) and Section 411.087, the Health and Human Services Commission is entitled to obtain information relating to the wanted persons status of an individual listed in Subsection (a).

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1) or (b). Criminal history record information obtained by the Health and Human Services Commission under Subsection (a-1)(2) may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information; or

(3) as provided by Subsection (d).

(d) The Health and Human Services Commission may provide the applicant or licensee with a copy of the person's criminal history

record information obtained from the Department of Public Safety or another law enforcement agency under Subsection (a-1)(2).

(e) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

(f) The Health and Human Services Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1997, 75th Leg., ch. 18, Sec. 1, eff. Sept. 1, 1997. Renumbered from Sec. 411.132 by Acts 1999, 76th Leg., ch. 62, Sec. 19.01(33), eff. Sept. 1, 1999. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.755, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1373 (S.B. 155), Sec. 23, eff. September 1, 2007.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 3, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 28, eff. June 13, 2023.

Sec. 411.1106. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) In this section, "commission" means the Health and Human Services Commission.

(b) The commission is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to a person who is required to be fingerprinted and is:

(1) an applicant for an employment or volunteer position or an applicant for a contract with the commission in which the person, as an employee, volunteer, or contractor, as applicable, would have access to sensitive personal or financial information, as determined by the executive commissioner; or

(2) an employee, volunteer, or contractor of the commission who has access to sensitive personal or financial information, as determined by the executive commissioner.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, the commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). Criminal history record information obtained by the commission under Subsection (b-1)(2) may not be released or disclosed, except:

(1) if the information is in a public record at the time the information is obtained;

(2) on court order;

(3) to a criminal justice agency, upon request;

(4) with the consent of the person who is the subject of the criminal history record information; or

(5) as provided by Subsection (d).

(d) The commission is not prohibited from disclosing criminal history record information obtained under Subsection (b-1)(2) in a criminal proceeding or in a hearing conducted by the commission.

(e) The commission shall destroy criminal history record information obtained under this section as soon as practicable after the information is used for its authorized purpose.

(f) This section does not prohibit the commission from obtaining and using criminal history record information as provided by other law.

Added by Acts 2015, 84th Leg., R.S., Ch. 1209 (S.B. 1540), Sec. 1, eff. June 19, 2015.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 29, eff. June 13, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1089 (S.B. 1192), Sec. 1, eff. June 18, 2023.

Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec.

8.010(b), eff. September 1, 2025.

Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 8.010(c), eff. September 1, 2025.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 6, eff. September 1, 2025.

Sec. 411.11061. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN MEDICAID PROVIDERS. (a) In this section, "residential caregiver" has the meaning assigned by Section 532.0157.

(b) A Medicaid provider that provides community-based residential care services to Medicaid recipients through a group home or other residential facility licensed by or operated under the authority of the Health and Human Services Commission is entitled to obtain from the department criminal history record information maintained by the department that relates to an individual who is an applicant for employment or seeking a contract position with the provider as a residential caregiver or who is employed or contracted by the provider as a residential caregiver.

Added by Acts 2023, 88th Leg., R.S., Ch. 674 (H.B. 1009), Sec. 1, eff. September 1, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 8.011, eff. September 1, 2025.

Sec. 411.111. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DISTRICT COURT; NAME CHANGES. A district court is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an adult; and

(2) has petitioned the court to order a change of name for the person.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Sec. 411.112. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION ON LAW ENFORCEMENT. The Texas

Commission on Law Enforcement is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a license under Chapter 1701, Occupations Code; or

(2) the holder of a license under that chapter.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 9.0045, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.23, eff. May 18, 2013.

Sec. 411.113. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS SCHOOL FOR THE DEAF. (a) The Texas School for the Deaf is entitled to obtain criminal history record information maintained by the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency which relates to school employees, professional consultants, applicants for permanent, temporary, or consultative employment, student teachers, educational interns, persons who perform ongoing educational projects at the school, and volunteer positions whose employment or potential employment or volunteer positions with the school involves direct interactions with, or the opportunity to interact and associate with, the children or youth attending the school.

(b) Criminal history record information obtained by the school under Subsection (a) may not be released or disclosed to any person except on court order, with the consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(c) The school shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

(d) The school may provide the applicant, employee, professional consultant, volunteer, student teacher, educational intern, or person who performs ongoing educational projects at the

school with a copy of the respective criminal history record information obtained from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency.

(e) The failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for dismissal or refusal to hire or accept for placement, as applicable, with regard to school employees, professional consultants, applicants for permanent, temporary, or consultative employment, student teachers, educational interns, persons who perform ongoing educational projects at the school, or volunteer positions whose employment or potential employment or volunteer position with the school involves direct interactions with, or the opportunity to interact and associate with, the children or youth attending the school.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 1340, Sec. 7, eff. Sept. 1, 1997.

Sec. 411.1131. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health and Human Services Commission is entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to a person who is an applicant for a staff position at an outdoor training program for children who are deaf or hard of hearing conducted by a private entity through a contract with the Health and Human Services Commission in accordance with Section 81.013, Human Resources Code.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that

relates to a person described by Subsection (a).

(b) Criminal history record information obtained by the Health and Human Services Commission under Subsection (a-1) may be used only to evaluate an applicant for a staff position at an outdoor training program for children who are deaf or hard of hearing. The Health and Human Services Commission may release or disclose the information obtained under Subsection (a-1)(2) to a private entity described by Subsection (a) for that purpose.

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). The Health and Human Services Commission may not release or disclose information obtained under Subsection (a-1)(2), except as described by Subsection (b), on court order, or with the consent of the person who is the subject of the criminal history record information.

(d) The Health and Human Services Commission shall destroy criminal history record information obtained under Subsection (a-1) after the information is used for its authorized purpose.

(e) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

Added by Acts 2003, 78th Leg., ch. 118, Sec. 13, eff. May 23, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.09, eff. June 19, 2009.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 2.003, eff. April 2, 2015.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 4, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 30, eff. June 13, 2023.

Sec. 411.114. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES AND HEALTH AND HUMAN SERVICES COMMISSION. (a)(1) In this subsection:

(A) "Child," "child-care facility,"

"child-placing agency," "facility," and "family home" have the meanings assigned by Section 42.002, Human Resources Code.

(A-1) "Department of Family and Protective Services" includes:

(i) the Department of Family and Protective Services as authorized by Section 40.002, Human Resources Code; and

(ii) any person or entity acting as an authorized agent of the Department of Family and Protective Services.

(B) "Elderly person" has the meaning assigned by Section 48.002, Human Resources Code.

(D) "Person with a disability" has the meaning assigned by Section 48.002, Human Resources Code.

(2) The Department of Family and Protective Services or the Health and Human Services Commission, as applicable, shall obtain criminal history record information as provided by Subdivision (4) that relates to a person who is:

(A) an applicant for a license, registration, certification, or listing under Chapter 42, Human Resources Code;

(B) an owner, operator, or employee of or an applicant for employment by a child-care facility, child-placing agency, or family home licensed, registered, certified, or listed under Chapter 42, Human Resources Code;

(C) a person 14 years of age or older who will be regularly or frequently working or staying in a facility or family home, other than a child in the care of the home or facility;

(D) an applicant selected for a position with the Department of Family and Protective Services or the Health and Human Services Commission, the duties of which include direct delivery of protective services to children, elderly persons, or persons with a disability;

(E) an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with a business entity or person who contracts with the Department of Family and Protective Services or the Health and Human Services Commission to provide direct delivery of protective services to children, elderly persons, or persons with a disability, if the person's duties or

responsibilities include direct contact with children, elderly persons, or persons with a disability;

(F) a registered volunteer with the Department of Family and Protective Services or the Health and Human Services Commission;

(G) a person providing or applying to provide in-home, adoptive, or foster care for children in the care of the Department of Family and Protective Services or the Health and Human Services Commission and other persons living in the residence in which the child will reside;

(H) a Department of Family and Protective Services employee or a Health and Human Services Commission employee who is engaged in the direct delivery of protective services to children, elderly persons, or persons with a disability;

(I) an alleged perpetrator in a report the Department of Family and Protective Services or the Health and Human Services Commission receives alleging that the person has abused, neglected, or exploited a child, an elderly person, or a person with a disability, provided that:

(i) the report alleges the person has engaged in conduct that meets the applicable definition of abuse, neglect, or exploitation under Chapter 261, Family Code, or Chapter 48, Human Resources Code; and

(ii) the person is not also the victim of the alleged conduct;

(J) a person providing child care for a child who is in the care of the Department of Family and Protective Services or the Health and Human Services Commission and who is or will be receiving adoptive, foster, or in-home care;

(K) through a contract with a nonprofit management center, an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with a nonprofit, tax-exempt organization that provides any service that involves the care of or access to a child, an elderly person, or a person with a disability; or

(L) an applicant for a child-care administrator

or child-placing agency administrator license under Chapter 43, Human Resources Code.

(3) In addition to the criminal history record information the Department of Family and Protective Services or the Health and Human Services Commission is required to obtain under Subdivision (2), the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, is entitled to obtain criminal history record information as provided by Subdivision (4) that relates to a person who is:

(A) an applicant for a position with the Department of Family and Protective Services or the Health and Human Services Commission regardless of the duties of the position, including a position described by Subdivision (2)(D);

(B) a Department of Family and Protective Services employee or a Health and Human Services Commission employee regardless of the duties of the employee's position, including an employee described by Subdivision (2)(H);

(C) a volunteer or applicant volunteer with the Department of Family and Protective Services or the Health and Human Services Commission regardless of the duties to be performed, including a registered volunteer;

(D) an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with an entity or person who contracts with the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, and has access to confidential information in that department's or commission's records, if the employee, applicant, volunteer, or applicant volunteer has or will have access to that confidential information;

(E) a person living in the residence in which the alleged victim of the report resides, including an alleged perpetrator in a report described by Subdivision (2)(I);

(F) a person providing, at the request of the child's parent, in-home care for a child who is the subject of a report alleging the child has been abused or neglected;

(G) a person providing, at the request of the child's parent, in-home care for a child only if the person gives

written consent to the release and disclosure of the information;

(H) a child who is related to the caretaker, as determined under Section 42.002, Human Resources Code, or any other person who resides in, is present in, or has unsupervised access to a child in the care of a facility or family home;

(I) a relative of a child in the care of the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, to the extent necessary to comply with Section 162.007, Family Code;

(J) a person providing or applying to provide in-home, adoptive, or foster care for children to the extent necessary to comply with Subchapter B, Chapter 162, Family Code;

(K) a person who volunteers to supervise visitation under Subchapter B, Chapter 263, Family Code;

(L) an employee of or volunteer at, or an applicant for employment with or to be a volunteer at, an entity that provides supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services or the Health and Human Services Commission, as applicable;

(M) a person 14 years of age or older who will be regularly or frequently working or staying in a host home that is providing supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services or the Health and Human Services Commission, as applicable;

(N) a volunteer or applicant volunteer with a local affiliate in this state of Big Brothers Big Sisters of America;

(O) a volunteer or applicant volunteer with an organization that provides court-appointed volunteer advocates for abused or neglected children; or

(P) an employee, volunteer, or applicant volunteer of a children's advocacy center under Subchapter E, Chapter 264, Family Code, including a member of the governing board of a center.

(4) Subject to Section 411.087 and consistent with the

public policy of this state, the Department of Family and Protective Services and the Health and Human Services Commission are entitled to:

(A) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subdivision (2) or (3); and

(B) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subdivision (2) or (3).

(4-a) Law enforcement entities shall expedite the furnishing of criminal history record information obtained under Subdivision (4)(B) to Department of Family and Protective Services workers or Health and Human Services Commission workers, as applicable, to ensure prompt criminal background checks for the safety of alleged victims and Department of Family and Protective Services workers or Health and Human Services Commission workers, as applicable.

(5) The Department of Family and Protective Services or the Health and Human Services Commission may not use the authority granted under this section to harass an employee or volunteer. The commissioner of the Department of Family and Protective Services or the executive commissioner of the Health and Human Services Commission, as applicable, shall adopt rules to prevent the harassment of an employee or volunteer through the request and use of criminal records.

(6) The Department of Family and Protective Services or the Health and Human Services Commission, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subdivision (4)(A). Criminal history record information obtained by the Department of Family and Protective Services or the Health and Human Services Commission under Subdivision (4)(B) may not be released to any person except:

(A) on court order;

(B) with the consent of the person who is the

subject of the criminal history record information;

(C) for purposes of an administrative hearing held by the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, concerning the person who is the subject of the criminal history record information; or

(D) as provided by Subdivision (7).

(7) Subject to Subdivision (8), the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, is not prohibited from releasing criminal history record information obtained under Subdivision (4)(B) to:

(A) the person who is the subject of the criminal history record information;

(B) a child-placing agency listed in Subdivision (2) that is seeking to verify or approve a foster or adoptive home under procedures authorized by federal law;

(C) an adult who resides with an alleged victim of abuse, neglect, or exploitation of a child, elderly person, or person with a disability and who also resides with the alleged perpetrator of that abuse, neglect, or exploitation if:

(i) the alleged perpetrator is the subject of the criminal history record information; and

(ii) the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, determines that the release of information to the adult is necessary to ensure the safety or welfare of the alleged victim or the adult; or

(D) an elderly person or a person with a disability who is an alleged victim of abuse, neglect, or exploitation and who resides with the alleged perpetrator of that abuse, neglect, or exploitation if:

(i) the alleged perpetrator is the subject of the criminal history record information; and

(ii) the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, determines that the release of information to the

person is necessary to ensure the safety or welfare of the person.

(8) The Department of Family and Protective Services or the Health and Human Services Commission may only release to a person described by Subdivision (7)(B), (C), or (D) criminal history record information that that department or commission obtains from the Department of Public Safety's computerized criminal history system.

(b) The failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for dismissal or refusal to hire, as applicable, with regard to a volunteer of or an employee or applicant for permanent or temporary employment with the Department of Family and Protective Services or the Health and Human Services Commission, as applicable, or a facility, home, business, or other entity, if the volunteer position, employment, or potential employment involves direct interaction with or the opportunity to interact and associate with children.

(c) The Department of Family and Protective Services or the Health and Human Services Commission, as applicable, may charge an organization or person that requests criminal history record information under Subsection (a)(3) a fee in an amount necessary to cover the costs of obtaining the information on the organization's or person's behalf.

(d) The Department of Family and Protective Services and the Health and Human Services Commission, as applicable, shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 920, Sec. 7, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 648, Sec. 1, eff. June 11, 1997; Acts 1997, 75th Leg., ch. 664, Sec. 7, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1022, Sec. 96, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 62, Sec. 8.06, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 691, Sec. 1, 2, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 144, Sec. 1, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 185, Sec. 3, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 268 (S.B. 6), Sec. 1.69, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 8.002, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 598 (S.B. 218), Sec. 8, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1056 (S.B. 221), Sec. 2, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 1082 (S.B. 1178), Sec. 13, eff. September 1, 2012.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 9.003, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 191 (S.B. 352), Sec. 6, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 2.004, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 944 (S.B. 206), Sec. 68, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 1108 (H.B. 4094), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1108 (H.B. 4094), Sec. 2, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1108 (H.B. 4094), Sec. 3, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 5, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 6, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 16, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 31, eff. June 13, 2023.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 32, eff. June 13, 2023.

Sec. 411.1141. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS JUVENILE JUSTICE DEPARTMENT. (a) The Texas

Juvenile Justice Department is entitled to obtain from the department criminal history record information maintained by the department that relates to:

(1) a person described by Section 242.010(b), Human Resources Code;

(2) an applicant for a certification from the Texas Juvenile Justice Department;

(3) a holder of a certification from the Texas Juvenile Justice Department;

(4) a child committed to the custody of the Texas Juvenile Justice Department by a juvenile court;

(5) a person requesting visitation access to a facility of the Texas Juvenile Justice Department; or

(6) any person, as necessary to conduct an evaluation of the home under Section 245.051(a), Human Resources Code.

(b) Criminal history record information obtained by the Texas Juvenile Justice Department under Subsection (a) may not be released to any person except:

(1) on court order;

(2) with the consent of the entity or person who is the subject of the criminal history record information;

(3) for purposes of an administrative hearing held, or an investigation conducted, by the Texas Juvenile Justice Department concerning the person who is the subject of the criminal history record information;

(4) a juvenile board by which a certification applicant or holder is employed; or

(5) as provided by Subsection (c) or (f).

(c) The Texas Juvenile Justice Department is not prohibited from releasing criminal history record information obtained under Subsection (a) to:

(1) the person who is the subject of the criminal history record information; or

(2) a business entity or person described by Subsection (a)(1) who uses or intends to use the services of the volunteer or intern or employs or is considering employing the person who is the subject of the criminal history record

information.

(d) The Texas Juvenile Justice Department may charge an entity or a person who requests criminal history record information under Subsection (c)(2) a fee in an amount necessary to cover the costs of obtaining the information on the person's or entity's behalf.

(e) After a person is certified by the Texas Juvenile Justice Department, the Texas Juvenile Justice Department shall destroy the criminal history record information that relates to a person described by Subsection (a)(2).

(f) The Texas Juvenile Justice Department is not prohibited from disclosing criminal history record information obtained under Subsection (a) in a criminal proceeding or in a hearing conducted by the Texas Juvenile Justice Department.

Added by Acts 1997, 75th Leg., ch. 320, Sec. 1, eff. May 26, 1997. Renumbered from Sec. 411.132 by Acts 1999, 76th Leg., ch. 62, Sec. 19.01(34), eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 263 (S.B. 103), Sec. 16, eff. June 8, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 85 (S.B. 653), Sec. 3.011, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1033 (H.B. 2733), Sec. 1, eff. September 1, 2013.

Sec. 411.1142. ACCESS TO CRIMINAL HISTORY RECORD: EARLY CHILDHOOD INTERVENTION PROGRAM WITHIN HEALTH AND HUMAN SERVICES COMMISSION. (a) The Early Childhood Intervention program within the Health and Human Services Commission, as established by Chapter 73, Human Resources Code, is entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to a person:

(1) who is an employee or an applicant for permanent, temporary, or consultative employment or for a volunteer position; and

(2) whose employment or potential employment or volunteer position with the program or a local provider involves

the delivery of early childhood intervention services or involves direct interactions with or the opportunity to interact and associate with children.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person who is described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Health and Human Services Commission under Subsection (a-1)(2) may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information; or

(3) as provided by Subsection (d).

(c) The Health and Human Services Commission shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

(d) The Health and Human Services Commission may provide the applicant, employee, professional consultant, or volunteer with a copy of the person's criminal history record information obtained from the Department of Public Safety or another law enforcement agency under Subsection (a-1)(2).

(e) The failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for dismissal or refusal to hire, as applicable, with regard to program employees, professional consultants, and applicants for permanent, temporary, or consultative employment or for volunteer

positions whose employment or potential employment or volunteer position with the Health and Human Services Commission or a local provider involves the delivery of early childhood intervention services or involves direct interactions with or the opportunity to interact and associate with children.

(f) The Health and Human Services Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 1997, 75th Leg., ch. 923, Sec. 19, eff. Sept. 1, 1997. Renumbered from Sec. 411.132 by Acts 1999, 76th Leg., ch. 62, Sec. 19.01(35), eff. Sept. 1, 1999.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 7, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 33, eff. June 13, 2023.

Sec. 411.1143. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION; AGENCIES ADMINISTERING OR OPERATING MEDICAL ASSISTANCE AND OTHER PUBLIC BENEFITS PROGRAMS. (a) The Health and Human Services Commission, an agency operating part of a public benefits program, including the medical assistance program under Chapter 32, Human Resources Code, or the office of inspector general established under Subchapter C, Chapter 544, of this code, is entitled to obtain criminal history record information as provided by Subsection (a-2) that relates to a provider under a public benefits program administered by the commission or a person applying to enroll as a provider under a public benefits program administered by the commission.

(a-1) Criminal history record information the Health and Human Services Commission or the office of inspector general is authorized to obtain under Subsection (a) includes criminal history record information relating to:

(1) a person that:

(A) has a direct or indirect ownership interest, or a combination of direct and indirect ownership interests, that equals five percent or more in the provider or person applying to

enroll as a provider;

(B) owns an interest of five percent or more in a mortgage, deed of trust, promissory note, or other obligation secured by the provider or person applying to enroll as a provider if that interest equals at least five percent of the value of the property or other assets of the provider or person applying to enroll as a provider;

(C) is an officer or director of the provider or person applying to enroll as a provider if that provider or applicant is organized as a corporation; or

(D) is a partner in the provider or person applying to enroll as a provider if that provider or applicant is organized as a partnership; and

(2) a managing employee of the provider or person applying to enroll as a provider.

(a-2) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission and the office of inspector general are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person who is described by Subsection (a) or (a-1); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a) or (a-1).

(b) The Health and Human Services Commission or the office of inspector general, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-2)(1). Criminal history record information obtained by the Health and Human Services Commission or the office of inspector general under Subsection (a-2)(2) may not be released or disclosed to any person except in a criminal proceeding, in an administrative proceeding, on court order, or with the consent of the provider or applicant.

(c) This section does not prohibit the Health and Human Services Commission or the office of inspector general from

obtaining and using criminal history record information as provided by other law.

(d) The Health and Human Services Commission and the office of inspector general shall destroy criminal history record information obtained under this section after the information is used for its authorized purpose.

(e) In this section:

(1) "Managing employee," with respect to a provider or person applying to enroll as a provider, means an individual, including a general manager, business manager, administrator, or director, who:

(A) exercises operational or managerial control over all or part of the provider or applicant; or

(B) directly or indirectly conducts the daily operations of all or part of the provider or applicant.

(2) "Ownership interest," with respect to a provider or person applying to enroll as a provider, means having equity in the provider's or applicant's capital, stock, or profits.

(3) "Provider" means an individual or entity that engages in the delivery of health care services and is authorized to deliver those services in this state, including an individual or entity that delivers health care services to recipients under the medical assistance program.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 879 (S.B. 223), Sec. 3.10, eff. September 1, 2011.

Acts 2011, 82nd Leg., R.S., Ch. 980 (H.B. 1720), Sec. 1, eff. September 1, 2011.

Acts 2023, 88th Leg., R.S., Ch. 769 (H.B. 4611), Sec. 2.14, eff. April 1, 2025.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 34, eff. June 13, 2023.

Acts 2025, 89th Leg., R.S., Ch. 462 (H.B. 4643), Sec. 1, eff. June 20, 2025.

Acts 2025, 89th Leg., R.S., Ch. 462 (H.B. 4643), Sec. 2, eff. June 20, 2025.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 7, eff.

September 1, 2025.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 8, eff. September 1, 2025.

Sec. 411.1144. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND EMPLOYEES, CONTRACTORS, OR VOLUNTEERS AT STATE SUPPORTED LIVING CENTERS. (a) The Health and Human Services Commission is entitled to obtain criminal history record information as provided by Subsection (d) that relates to a person:

(1) who is:

(A) an applicant for employment with the Health and Human Services Commission;

(B) an employee of the Health and Human Services Commission;

(C) a volunteer with the Health and Human Services Commission;

(D) an applicant for a volunteer position with the Health and Human Services Commission;

(E) an applicant for a contract with the Health and Human Services Commission; or

(F) a contractor of the Health and Human Services Commission; and

(2) who would be placed in direct contact with a resident or client of a state supported living center, as defined by Section 555.001, Health and Safety Code.

(b) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (d)(1). Criminal history record information obtained by the Health and Human Services Commission under Subsection (d)(2) may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information;

(3) for purposes of an administrative hearing held by the agency concerning the person who is the subject of the criminal

history record information; or

(4) as provided by Subsection (c).

(c) The Health and Human Services Commission is prohibited from releasing criminal history record information obtained under Subsection (d)(1) to the person who is the subject of the criminal history record information. The Health and Human Services Commission is not prohibited from releasing criminal history record information obtained under Subsection (d)(2) to the person who is the subject of the criminal history record information.

(d) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(e) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

(f) The Health and Human Services Commission shall destroy criminal history record information obtained under this section after the information is used for its authorized purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 284 (S.B. 643), Sec. 8, eff. June 11, 2009.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1027 (H.B. 2673), Sec. 2, eff. June 14, 2013.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 8, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 35, eff. June 13, 2023.

Sec. 411.1145. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE PRESERVATION BOARD. (a) The State

Preservation Board is entitled to obtain criminal history record information maintained by the department that relates to a person who is an employee, volunteer, or intern, or an applicant to be an employee, volunteer, or intern, in a position that involves:

(1) handling money or checks;

(2) working in the Capitol or another area designated by the executive director as security sensitive; or

(3) direct contact with persons under 18 years of age.

(b) Criminal history record information obtained by the board under this section may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the information.

Added by Acts 2001, 77th Leg., ch. 1462, Sec. 8, eff. June 17, 2001.

Sec. 411.1146. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF AGRICULTURE. (a) The Department of Agriculture is entitled to obtain criminal history record information maintained by the Department of Public Safety that relates to a person who is a principal of a nongovernmental entity that is a participant in or applicant for participation in the Child and Adult Care Food Program as provided by Section 33.0271(e), Human Resources Code.

(b) Criminal history record information obtained by the Department of Agriculture under this section may not be released or disclosed to any person except in a criminal proceeding, in an administrative proceeding, on court order, or with the consent of the person who is the subject of the information.

Added by Acts 2011, 82nd Leg., R.S., Ch. 870 (S.B. 77), Sec. 1, eff. September 1, 2011.

Sec. 411.1147. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS HISTORICAL COMMISSION. (a) The Texas Historical Commission is entitled to obtain criminal history record information maintained by the department or the identification division of the Federal Bureau of Investigation that relates to a person who is:

(1) an employee, volunteer, or intern;

(2) an applicant to be an employee, volunteer, or intern; or

(3) a contractor or subcontractor for the commission.

(b) Criminal history record information obtained by the Texas Historical Commission under this section may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the information.

(c) The Texas Historical Commission shall collect and destroy criminal history record information that relates to a person immediately after the commission uses the information to make an employment or other decision related to the person or take a personnel action relating to the person who is the subject of the criminal history record information.

(d) The Texas Historical Commission may not obtain criminal history record information under this section unless the commission first adopts policies and procedures that provide that evidence of a criminal conviction or other relevant information obtained from the criminal history record information does not automatically disqualify an individual from obtaining employment or another position or contract with the commission. The policies and procedures developed under this section must provide that the hiring official will determine whether the individual is qualified for employment based on factors including:

(1) the specific duties of the position;

(2) the number of offenses committed by the individual;

(3) the nature and seriousness of each offense;

(4) the length of time between the offense and the employment decision;

(5) the efforts by the individual at rehabilitation; and

(6) the accuracy of the information on the individual's employment application.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1245 (S.B. 1518), Sec. 1, eff. June 17, 2011.

Redesignated from Government Code, Section 411.1146 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(20), eff.

September 1, 2013.

Sec. 411.115. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF STATE HEALTH SERVICES AND HEALTH AND HUMAN SERVICES COMMISSION; LOCAL AUTHORITIES; COMMUNITY CENTERS. (a) In this section, "local mental health authority," "local intellectual and developmental disability authority," and "community center" have the meanings assigned by Section 531.002, Health and Safety Code.

(b) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, is entitled to obtain criminal history record information as provided by Subsection (c) that relates to a person:

(1) who is:

(A) an applicant for employment with the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center;

(B) an employee of the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center;

(C) an applicant for employment with or an employee of a business or person who contracts with the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center to provide residential services to patients with mental illness or clients with an intellectual or developmental disability who were furloughed or discharged from a Department of State Health Services facility, a Health and Human Services Commission facility, or a community center, as applicable;

(D) a volunteer with the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center; or

(E) a volunteer applicant; and

(2) who would be placed in direct contact with patients with mental illness or clients with an intellectual or developmental disability.

(c) Subject to Section 411.087 and consistent with the public policy of this state, the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person who is described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(d) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c)(1). Criminal history record information obtained by the Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, under Subsection (c)(2) may not be released or disclosed to a person, other than the contractor that employs the person who is the subject of the criminal history record information, except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) The Department of State Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, shall destroy criminal history record information obtained under this section after the information is used for its authorized purpose.

(f) This section does not prohibit the Department of State

Health Services, the Health and Human Services Commission, a local mental health or intellectual and developmental disability authority, or a community center, as applicable, from obtaining and using criminal history record information as provided by other law.
Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1999, 76th Leg., ch. 1209, Sec. 1, eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 296, Sec. 7, 13(2), eff. Sept. 1, 2003.
Amended by:

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 9, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 36, eff. June 13, 2023.

Sec. 411.116. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: ORGANIZATION PROVIDING CERTAIN NURSE AIDES. (a) In this section:

(1) "Facility" has the meaning assigned by Section 106.001, Human Resources Code.

(2) "Nurse aide" has the meaning assigned by Chapter 106, Human Resources Code.

(3) "Organization that provides temporary nurse aides" includes a temporary employment service, nursing pool, private duty nurse service, or sitter service.

(b) An organization that provides temporary nurse aides to a facility is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) a nurse aide; and

(2) a candidate for referral by the organization to a facility.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Sec. 411.1161. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND NURSE AIDE CERTIFICATION, MEDICATION AIDE PERMIT, AND NURSING FACILITY ADMINISTRATOR LICENSE. (a) The Health and Human Services

Commission is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an initial or renewal applicant for:

(1) a nurse aide certification with inclusion in the nurse aide registry established under Chapter 250, Health and Safety Code;

(2) a medication aide permit issued under Chapter 142, Health and Safety Code; or

(3) a nursing facility administrator license issued under Chapter 242, Health and Safety Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Health and Human Services Commission under Subsection (b)(2) may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information;

(3) for purposes of an administrative hearing held by the Health and Human Services Commission concerning the person who is the subject of the criminal history record information; or

(4) as provided by Subsection (d).

(d) The Health and Human Services Commission is not prohibited from releasing criminal history record information obtained under Subsection (b)(2) to the person who is the subject of the criminal history record information.

(e) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

(f) The Health and Human Services Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 37, eff. June 13, 2023.

Sec. 411.117. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION AND TEXAS WORKFORCE COMMISSION. The Health and Human Services Commission and the Texas Workforce Commission are entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for services of the Health and Human Services Commission or the Texas Workforce Commission, as applicable;

(2) a client of the Health and Human Services Commission or the Texas Workforce Commission, as applicable; or

(3) an applicant for employment whose potential duties include direct contact with clients of the Health and Human Services Commission or the Texas Workforce Commission, as applicable.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1999, 76th Leg., ch. 393, Sec. 25, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 391 (S.B. 128), Sec. 1, eff. June 14, 2013.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 10, eff. June 10, 2019.

Sec. 411.118. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYER AT RESIDENTIAL DWELLING PROJECT. (a) In this section, "employer," "employee," "occupant," and "residential dwelling project" have the meanings assigned by Section 765.001,

Health and Safety Code.

(b) An employer is entitled to obtain from the department criminal history record information maintained by the department that pertains to a person who:

(1) is an applicant for a position of employment in a residential dwelling project to whom an offer of employment is made; and

(2) may be reasonably required to have access to the residence of an occupant.

(c) Repealed by Acts 2003, 78th Leg., ch. 296, Sec. 13(3).

(d) Criminal history record information obtained under Subsection (b) may not be released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 572, Sec. 2, eff. Sept. 1, 1997; Acts 2003, 78th Leg., ch. 296, Sec. 13(3), eff. Sept. 1, 2003.

Sec. 411.1181. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION; APPLICANTS FOR EMPLOYMENT. (a) In this section, "in-home service company" and "residential delivery company" have the meanings assigned by Section 145.001, Civil Practice and Remedies Code.

(b) An in-home service company or residential delivery company is entitled to obtain from the Department of Public Safety criminal history record information maintained by the department that relates to:

(1) an officer of or person employed by the company whose job duties require entry into another person's residence; or

(2) an applicant to whom an offer of employment is made for a position of employment with the company, the job duties of which require entry into another person's residence.

(c) Criminal history record information obtained by an in-home service company or residential delivery company under Subsection (b) may not be released or disclosed to any person except on court order, upon proper discovery request during litigation or

with the consent of the person who is the subject of the criminal history record information.

(d) The in-home service company or residential delivery company shall destroy criminal history record information that relates to a person no sooner than two years after the person's office or employment with the company ends or the company determines not to employ the person, as applicable.

Added by Acts 2003, 78th Leg., ch. 228, Sec. 2, eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 751 (S.B. 627), Sec. 5, eff. September 1, 2009.

Sec. 411.1182. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COMMERCIAL NUCLEAR POWER PLANT LICENSEES. (a) A commercial nuclear power plant licensee and its contractors, for security reasons and consistent with requirements of the United States Nuclear Regulatory Commission, are entitled to obtain from the department criminal history record information maintained by the department that relates to a person who has or is seeking employment at or access to the commercial nuclear power plant.

(b) The department shall place a high priority on requests under Subsection (a) and respond as expeditiously as possible; in no event shall the department respond later than two business days after the date the request is received by the department.

(c) Criminal history information obtained from the department may not be released or disclosed except:

(1) as needed in protecting the security of a commercial nuclear power plant;

(2) as authorized by the United States Nuclear Regulatory Commission, a court order, or a federal or state law or order; or

(3) with the consent of the person who is the subject of the criminal history record information.

Added by Acts 2003, 78th Leg., ch. 1237, Sec. 3, eff. June 20, 2003.

Renumbered from Government Code, Section 411.1181 by Acts 2005, 79th Leg., Ch. 728 (H.B. 2018), Sec. 23.001(29), eff. September 1, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.10, eff. June 19, 2009.

Sec. 411.1183. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: INDEPENDENT ORGANIZATION CERTIFIED UNDER UTILITIES CODE. (a) An independent organization certified under Section 39.151, Utilities Code, for security reasons is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who has or is seeking employment at or access to the independent organization's systems that affect the security of the electric grid or any other background information maintained by the department that relates to the person that is considered necessary by the independent organization or required by the Public Utility Commission.

(b) Information obtained from the department under this section may not be released or disclosed except:

(1) as needed in protecting the security of the electric grid;

(2) as authorized by a court order or a federal or state law or order; or

(3) with the consent of the person who is the subject of the criminal history record information.

Added by Acts 2023, 88th Leg., R.S., Ch. 464 (S.B. 2013), Sec. 2, eff. June 9, 2023.

Sec. 411.121. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: ADJUTANT GENERAL. (a) In this section:

(1) "Adjutant general" has the meaning assigned by Section 437.001.

(2) "State military forces" has the meaning assigned by Section 437.001.

(b) The adjutant general is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) a member of the Texas military forces;

(2) an employee of the Texas Military Department;

(3) an applicant for enlistment in the Texas military forces; or

(4) an applicant for employment with the Texas Military Department.

(c) Repealed by Acts 2017, 85th Leg., R.S., Ch. 156 (H.B. 1860), Sec. 1, eff. September 1, 2017.

(d) Criminal history record information obtained by the adjutant general under Subsection (b) may not be released to any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) The adjutant general shall destroy criminal history record information obtained under Subsection (b) after the purpose for which the information was obtained is accomplished.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 2.02, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 3.03, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 156 (H.B. 1860), Sec. 1, eff. September 1, 2017.

Sec. 411.1211. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS VETERANS COMMISSION. (a) The Texas Veterans Commission is entitled to obtain from the department, the Federal Bureau of Investigation Criminal Justice Information Services Division, or another law enforcement agency criminal history record information maintained by the department, division, or agency that relates to a person who:

(1) is an employee or an applicant for employment with the commission;

(2) is a consultant, intern, or volunteer for the commission or an applicant to serve as a consultant, intern, or volunteer;

(3) proposes to enter into a contract with or has a contract with the commission to perform services for or supply

goods to the commission; or

(4) is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to the commission.

(b) Criminal history record information obtained by the Texas Veterans Commission under Subsection (a) may not be released or disclosed to any person except:

(1) on court order;

(2) with the consent of the person who is the subject of the criminal history record information; or

(3) to a federal agency as required by federal law or executive order.

(c) The Texas Veterans Commission shall destroy criminal history record information obtained under this section after the information is used for the purposes authorized by this section.

(d) The Texas Veterans Commission may provide a copy of the criminal history record information obtained from the department, the Federal Bureau of Investigation Criminal Justice Information Services Division, or other law enforcement agency to the individual who is the subject of the information.

(e) The failure or refusal to provide the following on request constitutes good cause for dismissal or refusal to hire:

(1) a complete set of fingerprints;

(2) a true and complete name; or

(3) other information necessary for a law enforcement entity to provide a criminal history record.

Added by Acts 2009, 81st Leg., R.S., Ch. 67 (S.B. 2163), Sec. 1, eff. May 19, 2009.

Sec. 411.122. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: LICENSING OR REGULATORY AGENCY. (a) Except as provided by Subsection (c)(2), an agency of this state listed in Subsection (d) or a political subdivision of this state covered by Chapter 53, Occupations Code, that licenses or regulates members of a particular trade, occupation, business, vocation, or profession is entitled to obtain from the department criminal history record information maintained by the department that relates to a person

who:

(1) is an applicant for a license from the agency;

(2) is the holder of a license from the agency; or

(3) requests a determination of eligibility for a license from the agency.

(b) A municipality or county that requires a sexually oriented business to obtain a license or other permit under Section 243.007, Local Government Code, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is an applicant for a license or other permit for a sexually oriented business issued by the municipality or county;

(2) is the holder of a license or other permit for a sexually oriented business issued by the municipality or county; or

(3) requests a determination of eligibility for a license or other permit for a sexually oriented business issued by the municipality or county.

(c) Repealed by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(5), eff. June 13, 2023.

(d) The following state agencies are subject to this section:

(1) Texas Appraiser Licensing and Certification Board;

(2) Texas Board of Architectural Examiners;

(3) Texas Board of Chiropractic Examiners;

(4) State Board of Dental Examiners;

(5) Texas Board of Professional Engineers and Land Surveyors;

(6) Texas Funeral Service Commission;

(7) Texas Board of Professional Geoscientists;

(8) Health and Human Services Commission, except as provided by Section 411.110, and agencies attached to the commission;

(9) Texas Department of Licensing and Regulation;

(10) Texas Commission on Environmental Quality;

(11) Executive Council of Physical Therapy and Occupational Therapy Examiners;

(12) Texas Optometry Board;

(13) Texas State Board of Pharmacy;

(14) Texas State Board of Plumbing Examiners;

(15) Texas Behavioral Health Executive Council;

(16) Texas Real Estate Commission;

(17) Texas Department of Transportation;

(18) State Board of Veterinary Medical Examiners;

(19) Texas Department of Housing and Community Affairs;

(20) secretary of state;

(21) state fire marshal;

(22) Texas Education Agency;

(23) Department of Agriculture; and

(24) Texas Department of Motor Vehicles.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.757, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 83, Sec. 1, 2, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 296, Sec. 13(4), eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 798 (S.B. 411), Sec. 4.02, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 213 (S.B. 1005), Sec. 26, eff. May 27, 2009.

Acts 2009, 81st Leg., R.S., Ch. 335 (H.B. 960), Sec. 1, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 450 (H.B. 2447), Sec. 38, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 933 (H.B. 3097), Sec. 3E.01, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 11.006, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 1279 (S.B. 1902), Sec. 25, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 8.005, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 467 (H.B. 4170), Sec. 19.004,

eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 11, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 768 (H.B. 1501), Sec. 3.002, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1232 (H.B. 1523), Sec. 2.02, eff. September 1, 2019.

Repealed by Acts 2023, 88th Leg., R.S., Ch. 769 (H.B. 4611), Sec. 3.01(2), eff. April 1, 2025.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 38, eff. June 13, 2023.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(5), eff. June 13, 2023.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 9, eff. September 1, 2025.

Sec. 411.123. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: MUNICIPAL FIRE DEPARTMENT. (a) A fire department that is operated by a municipality in this state is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a beginning position with the fire department; and

(2) required to be certified by the Texas Commission on Fire Protection.

(b) Repealed by Acts 2003, 78th Leg., ch. 296, Sec. 13(5).

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 296, Sec. 13(5), eff. Sept. 1, 2003.

Sec. 411.1235. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: VOLUNTEER FIRE DEPARTMENTS. (a) A volunteer fire department or a fire department operated by an emergency services district is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is required to be certified by the Texas Commission on Fire Protection and:

(A) is an applicant for a beginning position with the fire department; or

(B) currently holds a position with that fire department; or

(2) holds a position with the fire department and seeks to conduct fire safety inspections without becoming certified as a fire inspector by the Texas Commission on Fire Protection.

(b) Repealed by Acts 2003, 78th Leg., ch. 296, Sec. 13(6).

(c) A fire department may not keep or retain criminal history record information obtained under this section in any file. Criminal history record information must be destroyed promptly after the determination of suitability of the person for any position as a volunteer or employee.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 296, Sec. 13(6), eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1204, Sec. 2.001, eff. Sept. 1, 2003.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1245 (H.B. 2446), Sec. 1, eff. June 14, 2019.

Sec. 411.1236. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION ON FIRE PROTECTION. (a) The Texas Commission on Fire Protection is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for or holder of a license issued under Chapter 419; or

(2) an applicant for employment by or an employee of the commission.

(b) Criminal history record information obtained by the Texas Commission on Fire Protection under Subsection (a) may not be released to any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information, or if the information is entered into evidence

by the board in an administrative, civil, or criminal hearing under Chapter 419.

(c), (d) Repealed by Acts 2003, 78th Leg., ch. 296, Sec. 13(7).

Added by Acts 1997, 75th Leg., ch. 1172, Sec. 2.08, eff. Sept. 1, 1997. Amended by Acts 2003, 78th Leg., ch. 296, Sec. 8, 13(7), eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.12, eff. June 19, 2009.

Sec. 411.1237. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COUNTY FIRE MARSHALS; COUNTY SHERIFFS. (a) On request of the department chief or chief executive of a fire department or an emergency medical services provider for an unincorporated area, a county fire marshal or county sheriff is entitled to obtain from the department criminal history record information maintained by the department that relates to:

(1) an applicant for employment or membership with the requesting fire department or emergency medical services provider; or

(2) an employee or member of the requesting fire department or emergency medical services provider.

(b) The county fire marshal or county sheriff may disclose criminal history record information obtained under Subsection (a) to the department chief or chief executive of the requesting fire department or emergency medical services provider, except that the county fire marshal or county sheriff may disclose criminal history record information obtained by the department from the Federal Bureau of Investigation only to governmental entities or as authorized by federal law, federal executive order, or federal rule.

Added by Acts 2003, 78th Leg., ch. 951, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1082 (H.B. 2583), Sec. 1, eff. September 1, 2015.

Sec. 411.124. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: POLITICAL SUBDIVISIONS; PUBLIC TRANSPORTATION DRIVERS. (a) A political subdivision of this state that employs, licenses, or regulates drivers of public transportation vehicles is entitled to obtain from the department or from a law enforcement agency of the political subdivision with access to the information the criminal history record information maintained by the department that relates to a person who is:

(1) the driver of a public transportation vehicle; and

(2) employed, licensed, or regulated by the political subdivision.

(b) Repealed by Acts 2003, 78th Leg., ch. 296, Sec. 13(8).

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1999, 76th Leg., ch. 559, Sec. 1, eff. June 18, 1999; Acts 2003, 78th Leg., ch. 296, Sec. 13(8), eff. Sept. 1, 2003.

Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF NURSING. (a) The Texas Board of Nursing is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for vocational, registered, or advanced practice registered nurse licensure, or the holder of a license issued by the board;

(2) has requested a determination of eligibility for a license from the board;

(3) is subject to investigation by the board in connection with a complaint or formal charge against the person; or

(4) is accepted for enrollment in a nursing education program that prepares the person for licensure as a vocational, registered, or advanced practice registered nurse.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Board of Nursing is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that

bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Nursing may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Nursing under Subsection (b)(2) may not be released or disclosed to any person except:

(1) as required under a court order;

(2) to a nursing board that is a member of the nurse licensure compact under Chapter 304, Occupations Code;

(3) with the written consent of the person who is the subject of the criminal history record information; or

(4) as provided by Subsection (d).

(d) The Texas Board of Nursing is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding, in a contested case proceeding conducted by the State Office of Administrative Hearings, or as part of an appeal of a contested case proceeding.

(e) Criminal history record information obtained by the Texas Board of Nursing shall be destroyed by the agency after a final determination is made and all appeals are concluded in the matter for which the information was obtained.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 2003, 78th Leg., ch. 296, Sec. 13(9), eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 1102, Sec. 4, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 889 (H.B. 2426), Sec. 55, eff. September 1, 2007.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 39, eff. June 13, 2023.

Sec. 411.12501. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION OF FEDERAL BUREAU OF INVESTIGATION: TEXAS ALCOHOLIC

BEVERAGE COMMISSION. (a) Subject to Section 411.087 and Public Law 92-544, the Texas Alcoholic Beverage Commission is authorized to obtain and use criminal history record information maintained or indexed by the Federal Bureau of Investigation that relates to a person who is an applicant for or holds a license, permit, or certificate under the Texas Alcoholic Beverage Code.

(b) This section does not limit the commission's ability to obtain criminal history record information for criminal justice purposes or as authorized by other law.

(c) The commission may require any person for whom the commission is authorized to obtain and use criminal history record information under Subsection (a) to submit a complete and legible set of fingerprints to the commission on a form prescribed by the commission for the purpose of obtaining criminal history record information.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 40, eff. June 13, 2023.

Sec. 411.12502. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL. (a) The Texas Behavioral Health Executive Council is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an applicant for or licensed as:

(1) a licensed psychologist, licensed psychological associate, or school psychologist under Chapter 501, Occupations Code;

(2) a licensed marriage and family therapist or licensed marriage and family therapist associate under Chapter 502, Occupations Code;

(3) a licensed professional counselor or licensed professional counselor associate under Chapter 503, Occupations Code; or

(4) a licensed baccalaureate social worker, licensed master social worker, or licensed clinical social worker under Chapter 505, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Behavioral Health Executive

Council is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Behavioral Health Executive Council may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the executive council under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Behavioral Health Executive Council is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the executive council or the State Office of Administrative Hearings.

(e) The Texas Behavioral Health Executive Council shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 41, eff. June 13, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 738 (H.B. 2598), Sec. 4, eff. September 1, 2025.

Sec. 411.12503. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF CHIROPRACTIC EXAMINERS. (a) The Texas Board of Chiropractic Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) a person who is an applicant for a license or

registration under Chapter 201, Occupations Code; or

(2) the holder of a license or registration under Chapter 201, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Board of Chiropractic Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Chiropractic Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Chiropractic Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Board of Chiropractic Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted under the authority of the Texas Board of Chiropractic Examiners.

(e) The Texas Board of Chiropractic Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 42, eff. June 13, 2023.

Sec. 411.12504. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE BOARD OF DENTAL EXAMINERS. (a) The State Board of Dental Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person

who:

(1) is an applicant for a license, certificate, registration, permit, or other authorization under Subtitle D, Title 3, Occupations Code;

(2) is the holder of a license, certificate, registration, permit, or other authorization under that subtitle;

(3) requests a determination of eligibility for a license, certificate, registration, permit, or other authorization from the State Board of Dental Examiners; or

(4) is an applicant for employment at or current employee of the State Board of Dental Examiners.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the State Board of Dental Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The State Board of Dental Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the State Board of Dental Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The State Board of Dental Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the State Board of Dental Examiners or the State Office of Administrative Hearings.

(e) The State Board of Dental Examiners shall destroy criminal history record information obtained under this section after a final determination is made in the matter for which the

information was obtained.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 43, eff. June 13, 2023.

Sec. 411.12505. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: QUALIFIED SCHOOL CONTRACTORS. (a) In this section, "qualified school contractor" means an entity that:

(1) contracts or subcontracts to provide services to a school district, charter school, or shared services arrangement; and

(2) is determined eligible by the department to obtain criminal history record information under the National Child Protection Act of 1993 (34 U.S.C. Section 40101 et seq.) for an employee, applicant for employment, or volunteer of the qualified school contractor.

(b) A qualified school contractor is entitled to obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a)(2).

(c) Criminal history record information obtained by a qualified school contractor under Subsection (b) in the original form or any subsequent form:

(1) may not be released to any person except:

(A) to the person who is the subject of the information;

(B) with the consent of the person who is the subject of the information;

(C) by court order; or

(D) except as provided by Subsection (d); and

(2) is not subject to disclosure as provided by Chapter 552.

(d) A qualified school contractor may provide a fitness determination based on criminal history record information obtained under this section to a school district, charter school, or shared services arrangement.

(e) A qualified school contractor shall destroy criminal

history record information that is obtained under this section after the information is used for its authorized purpose.

(f) The department in coordination with the commissioner of education may adopt rules necessary to implement this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 44, eff. June 13, 2023.

Sec. 411.12506. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. (a) The Texas Commission on Environmental Quality is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for:

(A) a water supply system operator license required by Section 341.033, Health and Safety Code;

(B) a backflow prevention assembly tester license required by Section 341.034(c), Health and Safety Code;

(C) a customer service inspector license required by Section 341.034(d), Health and Safety Code;

(D) a municipal solid waste facility supervisor license required by Section 361.027, Health and Safety Code;

(E) an on-site sewage facility installer license or apprentice registration required by Section 366.071(a), Health and Safety Code;

(F) an on-site sewage facility maintenance provider license or maintenance technician registration required by Section 366.071(a), Health and Safety Code;

(G) an on-site sewage facility designated representative license required by Section 366.071(b), Health and Safety Code;

(H) an on-site sewage facility site evaluator license required by Section 366.071(c), Health and Safety Code;

(I) a landscape irrigator or irrigation technician license required by Section 1903.251(a), Occupations Code;

(J) an irrigation inspector license required by Section 1903.251(a), Occupations Code;

(K) a water treatment specialist certificate required by Section 1904.052, Occupations Code;

(L) a wastewater treatment plant operator license required by Section 26.0301(c), Water Code;

(M) a wastewater collection system operator license required by Section 26.0301(c), Water Code;

(N) a leaking petroleum storage tank corrective action project manager or specialist license required by Section 26.366, Water Code; or

(O) an underground storage tank on-site supervisor license required by Section 26.456, Water Code;

(2) is the holder of a license, registration, or certificate under a provision listed in Subdivision (1); or

(3) requests a determination of eligibility for a license, registration, or certificate from the agency under a provision listed in Subdivision (1).

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Commission on Environmental Quality is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Commission on Environmental Quality may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Commission on Environmental Quality under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Commission on Environmental Quality is not prohibited from disclosing criminal history record information

obtained under Subsection (b)(2) in a criminal proceeding or in an administrative proceeding conducted by the Texas Commission on Environmental Quality or the State Office of Administrative Hearings.

(e) The Texas Commission on Environmental Quality shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 45, eff. June 13, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 10, eff. September 1, 2025.

Sec. 411.12507. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS FUNERAL SERVICE COMMISSION. (a) The Texas Funeral Service Commission is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) a person who is:

(A) an applicant for a license or certificate under Sections 651.259 and 651.302, Occupations Code; or

(B) the holder of a license or certificate under Chapter 651, Occupations Code;

(2) an applicant for a license or a license holder under Chapter 651, Occupations Code;

(3) an applicant for employment at or current employee of the Texas Funeral Service Commission; or

(4) a person authorized to access vital records or the vital records electronic registration system under Chapter 191, Health and Safety Code, or a funeral director.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Funeral Service Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal

justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Funeral Service Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Funeral Service Commission under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Funeral Service Commission is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Funeral Service Commission.

(e) The Texas Funeral Service Commission may not consider offenses described by Section 542.304, Transportation Code, to determine whether to hire or retain an employee or to contract with a person on whom criminal history record information is obtained under this section.

(f) The Texas Funeral Service Commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 46, eff. June 13, 2023.

Sec. 411.12508. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: MANUFACTURED HOUSING DIVISION. (a) The manufactured housing division of the Texas Department of Housing and Community Affairs is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for or holder of:

(A) a manufacturer's license required by Section 1201.101(a), Occupations Code;

(B) a retailer's license required by Section 1201.101(b) or (e), Occupations Code;

(C) a broker's license required by Section 1201.101(c), Occupations Code;

(D) an installer's license required by Section 1201.101(d), Occupations Code; or

(E) a salesperson's license required by Section 1201.101(f), Occupations Code; or

(2) an owner, officer, or related person or manager of a person described by Subdivision (1).

(b) Subject to Section 411.087 of this code and Chapter 1201, Occupations Code, and consistent with the public policy of this state, the manufactured housing division is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The manufactured housing division may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the manufactured housing division under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The manufactured housing division is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the manufactured housing division. Certified public documents that contain criminal history record information described by Subsection (b)(2) but that the division does not obtain under that subdivision may be used in a criminal or civil proceeding or in a hearing conducted by the manufactured housing division.

(e) The manufactured housing division shall destroy criminal history record information that is obtained under this

section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 47, eff. June 13, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 11, eff. September 1, 2025.

Sec. 411.12509. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE FIRE MARSHAL. (a) The state fire marshal is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is an applicant for or holder of:

(1) a fire extinguisher license or apprentice permit under Chapter 6001, Insurance Code, including a Type PL, Type A, Type B, or Type K license;

(2) a fire alarm license or approval under Chapter 6002, Insurance Code, including:

(A) a fire alarm technician license;

(B) a residential fire alarm technician license;

(C) a fire alarm monitoring technician license;

(D) a residential alarm superintendent license;

(E) a fire alarm planning superintendent license;

(F) a residential fire alarm superintendent single station license;

(G) a fire alarm instructor approval; or

(H) a fire alarm training school approval;

(3) a fire protection sprinkler system contractor registration certificate or a responsible managing employee license under Chapter 6003, Insurance Code, including:

(A) a responsible managing employee general license;

(B) a responsible managing employee dwelling license;

(C) a responsible managing employee underground license; or

(D) a responsible managing employee general

inspector license; or

(4) a license required by Subchapters C and D, Chapter 2154, Occupations Code, including:

(A) a pyrotechnic operator's license under Section 2154.154, Occupations Code;

(B) a pyrotechnic special effects operator's license under Section 2154.155, Occupations Code; or

(C) a flame effect operator's license under Section 2154.156, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the state fire marshal is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The state fire marshal may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the state fire marshal under Subsection (b)(2) may not be disclosed or released to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The state fire marshal is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the state fire marshal.

(e) The state fire marshal shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 48, eff. June 13, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 12,

eff. September 1, 2025.

Sec. 411.12510. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS MEDICAL BOARD. (a) The Texas Medical Board is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for or holder of a license to practice medicine;

(2) an applicant for or holder of a license to practice as a physician assistant;

(3) an applicant for or holder of a license to practice as an acupuncturist;

(4) an applicant for or holder of a certificate to practice as an acudetox specialist;

(5) an applicant for or holder of a license to practice as a surgical assistant;

(6) an applicant for or holder of a general certificate to perform radiologic procedures, limited certificate to perform radiologic procedures only on specific parts of the body, or radiologist assistant certificate;

(7) an applicant for or holder of a placement on the registry of noncertified technicians;

(8) an employee of an applicant for a hardship exemption;

(9) an applicant for or holder of a license to practice as a medical physicist;

(10) an applicant for or holder of a license to practice as a perfusionist;

(11) an applicant for or holder of a license to practice as a respiratory care practitioner;

(12) an applicant for or holder of a pain management clinic certificate; and

(13) an applicant for employment at or current employee of the Texas Medical Board.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Medical Board is entitled to:

(1) obtain through the Federal Bureau of Investigation

criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Medical Board may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Medical Board under Subsection (b)(2) may not be released or disclosed to any person, except as provided by Subsection (d).

(d) The Texas Medical Board is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a hearing conducted by the Texas Medical Board or its advisory boards or by the State Office of Administrative Hearings.

(e) The Texas Medical Board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 49, eff. June 13, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 13, eff. September 1, 2025.

Sec. 411.12511. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF MOTOR VEHICLES. (a) The Texas Department of Motor Vehicles is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person:

(1) who is an applicant for or holds a general distinguishing number under Chapter 503, Transportation Code;

(2) who is an applicant for or holds a license under Chapter 2301 or 2302, Occupations Code;

(3) who is an owner, officer, director, member, manager, principal, partner, trustee, or trust beneficiary of an

applicant, general distinguishing number holder, or license holder; or

(4) who is an employee designated as an authorized representative by an applicant, general distinguishing number holder, or license holder and whose act or omission in the course or scope of the person's representation would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Chapter 503, Transportation Code, or Chapter 2301 or 2302, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas Department of Motor Vehicles is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Department of Motor Vehicles may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Department of Motor Vehicles under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Department of Motor Vehicles is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing in which the Texas Department of Motor Vehicles is a party.

(e) The Texas Department of Motor Vehicles shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 50, eff. June 13, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 14, eff. September 1, 2025.

Sec. 411.12512. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS OPTOMETRY BOARD. (a) The Texas Optometry Board is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for a license under Section 351.251, Occupations Code; or

(2) the holder of a license under Section 351.302, Occupations Code.

(b) Subject to Section 411.087 of this code and Sections 351.2525 and 351.3045, Occupations Code, and consistent with the public policy of this state, the Texas Optometry Board is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Optometry Board may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Optometry Board under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Optometry Board is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Optometry Board.

(e) The Texas Optometry Board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 51, eff. June 13, 2023.

Sec. 411.12513. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EXECUTIVE COUNCIL OF PHYSICAL THERAPY AND OCCUPATIONAL THERAPY EXAMINERS. (a) The Executive Council of Physical Therapy and Occupational Therapy Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) an applicant for or the holder of a physical therapist or physical therapist assistant license under Chapter 453, Occupations Code; or

(2) an applicant for or the holder of an occupational therapist or occupational therapy assistant license under Chapter 454, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Executive Council of Physical Therapy and Occupational Therapy Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Executive Council of Physical Therapy and Occupational Therapy Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Executive Council of Physical Therapy and Occupational Therapy Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Executive Council of Physical Therapy and Occupational Therapy Examiners is not prohibited from disclosing

criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Executive Council of Physical Therapy and Occupational Therapy Examiners.

(e) The Executive Council of Physical Therapy and Occupational Therapy Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 52, eff. June 13, 2023.

Sec. 411.12514. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PLUMBING EXAMINERS. (a) The Texas State Board of Plumbing Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to an applicant for a license, registration, endorsement, or certificate under Chapter 1301, Occupations Code, including a license, registration, endorsement, or certificate, as applicable, for any of the following functions: master plumber, journeyman plumber, plumbing inspector, tradesman-plumber limited, plumber's apprentice, multipurpose residential fire protection sprinkler specialist, water supply protection specialist, and medical gas piping installation.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas State Board of Plumbing Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas State Board of Plumbing Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained

by the Texas State Board of Plumbing Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person or entity that is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas State Board of Plumbing Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas State Board of Plumbing Examiners.

(e) The Texas State Board of Plumbing Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 53, eff. June 13, 2023.

Sec. 411.12515. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS REAL ESTATE COMMISSION AND TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD. (a) In this section:

(1) "Board" means the Texas Appraiser Licensing and Certification Board.

(2) "Commission" means the Texas Real Estate Commission.

(b) The commission is entitled to obtain criminal history record information as provided by Subsection (d) that relates to:

(1) an applicant for an initial broker or sales agent license or renewal of a broker or sales agent license under Chapter 1101, Occupations Code;

(2) an applicant for an original certificate of registration as an easement or right-of-way agent or renewal of a certificate of registration as an easement or right-of-way agent under Chapter 1101, Occupations Code; or

(3) an applicant for an apprentice inspector license, a real estate inspector license, or a professional inspector license or renewal of an apprentice inspector license, a real estate inspector license, or a professional inspector license under Chapter 1102, Occupations Code.

(c) The board is entitled to obtain criminal history record information as provided by Subsection (d) that relates to:

(1) an applicant for an appraiser trainee license, a residential appraiser license, a residential appraiser certificate, or a general appraiser certificate or renewal of an appraiser trainee license, a residential appraiser license, a residential appraiser certificate, or a general appraiser certificate under Chapter 1103, Occupations Code; or

(2) an applicant for registration or renewal of a registration as an appraisal management company under Chapter 1104, Occupations Code.

(d) Subject to Section 411.087 of this code and Sections 1101.3521, 1101.4521, 1101.5041, 1102.1051, and 1103.2031, Occupations Code, and consistent with the public policy of this state, the commission and the board are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b) or (c); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b) or (c).

(e) The commission or the board, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (d)(1). The commission or the board, as applicable, is not prohibited from disclosing criminal history record information obtained under Subsection (d)(2) in a criminal proceeding or in a hearing conducted by the State Office of Administrative Hearings on behalf of that agency.

(f) The commission or board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 54, eff. June 13, 2023.

Sec. 411.12516. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. (a) The Texas Board of Professional Engineers and Land Surveyors is entitled to obtain criminal history record information as provided by Subsection (b) that relates to an applicant for or holder of a license under Chapters 1001 and 1071, Occupations Code.

(b) Subject to Section 411.087 of this code and Section 1001.272, Occupations Code, and consistent with the public policy of this state, the Texas Board of Professional Engineers and Land Surveyors is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Professional Engineers and Land Surveyors may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Professional Engineers and Land Surveyors under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas Board of Professional Engineers and Land Surveyors is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Board of Professional Engineers and Land Surveyors.

(e) The Texas Board of Professional Engineers and Land Surveyors shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 55, eff. June 13, 2023.

Sec. 411.12517. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PHARMACY. (a) The Texas State Board of Pharmacy is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who:

(1) is an applicant for or holder of a registration as a pharmacist-intern under Section 557.001, Occupations Code;

(2) is an applicant for or holder of a license by examination to practice pharmacy under Section 558.051, Occupations Code;

(3) is an applicant for or holder of a license by reciprocity to practice pharmacy under Section 558.101, Occupations Code;

(4) is an applicant for or holder of a provisional license to practice pharmacy under Subchapter D, Chapter 558, Occupations Code;

(5) is an applicant for or holder of a registration as a pharmacy technician or a pharmacy technician trainee under Section 568.002, Occupations Code;

(6) requests a determination of eligibility for a license, certificate, registration, permit, or other authorization from the Texas State Board of Pharmacy under Subchapter D, Chapter 53, Occupations Code; or

(7) is an applicant for employment at or current employee of the Texas State Board of Pharmacy.

(a-1) The Texas State Board of Pharmacy is entitled to obtain a complete set of fingerprints from a person described by Subsection (a).

(a-2) The Texas State Board of Pharmacy is entitled to obtain criminal history record information as provided by Subsection (b) that relates to a person who is:

(1) a partner, officer, director, managing employee, or owner or person who controls the owner of a pharmacy; and

(2) an applicant for or a holder of a Class A, B, C, D, or E pharmacy license issued under Section 560.051, Occupations Code.

(b) Subject to Section 411.087 and consistent with the public policy of this state, the Texas State Board of Pharmacy is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a) or (a-2); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a) or (a-2).

(c) The Texas State Board of Pharmacy may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas State Board of Pharmacy under Subsection (b)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(d) The Texas State Board of Pharmacy is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas State Board of Pharmacy or the State Office of Administrative Hearings.

(e) The Texas State Board of Pharmacy shall destroy criminal history record information obtained under this section after a final determination is made in the matter for which the information was obtained.

(g) The failure or refusal of an employee of or an applicant for employment at the Texas State Board of Pharmacy to provide the following on request constitutes good cause for dismissal or refusal to hire:

(1) a complete set of fingerprints;

(2) a true and complete name; or

(3) other information necessary for a law enforcement entity to obtain criminal history record information.

(h) An applicant for renewal of a license or registration

described by Subsection (a) who has not yet submitted a complete set of fingerprints as part of a previous application for the license or registration shall submit to the Texas State Board of Pharmacy a complete set of fingerprints with the person's completed application for renewal. Failure to submit a complete set of fingerprints under this subsection may result in a suspension or refusal to renew the applicable license or registration by the Texas State Board of Pharmacy.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 56, eff. June 13, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 15, eff. September 1, 2025.

Sec. 411.126. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: VOLUNTEER CENTERS. (a) In this section:

(1) "Volunteer center" means a nonprofit, tax-exempt organization:

(A) whose primary purpose is to recruit and refer individual volunteers for other nonprofit groups in that area; and

(B) that is certified as a bona fide volunteer center by the department.

(2) "Volunteer" or "volunteer applicant" means a person who will perform one or more of the following services without remuneration:

(A) any service performed in a residence;

(B) any service that requires the access to or the handling of money or confidential or privileged information; or

(C) any service that involves the care of or access to:

(i) a child;

(ii) an elderly person; or

(iii) a person who is mentally incompetent, physically disabled, ill, or incapacitated, or who has an intellectual disability.

(3) "Employee" or "employee applicant" means a person who will perform one or more of the following services or functions

for remuneration:

(A) any service performed in a residence;

(B) any service that requires the access to or the handling of money or confidential or privileged information; or

(C) any service that involves the care of or access to:

(i) a child;

(ii) an elderly person; or

(iii) a person who is mentally incompetent, physically disabled, ill, or incapacitated, or who has an intellectual disability;

(D) coordination or referral of volunteers; or

(E) executive administrative responsibilities.

(4) "Client agency" means a nonprofit agency served by a volunteer center.

(b) A volunteer center is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an employee, an employee applicant, a volunteer, or a volunteer applicant of the volunteer center; or

(2) an employee, an employee applicant, a volunteer, or a volunteer applicant of a client agency.

(c) The department may establish rules governing the administration of this section and charge volunteer centers a fee to cover the department's direct costs of administering this program.

(d) A volunteer center may disseminate criminal history record information to a client agency, if the client agency has been approved by the department.

(e) A volunteer center or client agency may not keep or retain criminal history record information obtained under this section in any file. Criminal history record information must be destroyed promptly after the determination of suitability of the person for any position as a volunteer or employee.

(f) Subject to approval by the department, two or more volunteer centers may share technical and staff resources in the development and operation of services for the dissemination of

criminal history record information.

(g) Except in the case of gross negligence or intentional misconduct, a volunteer center is not liable for damages arising from:

(1) the release or use of information obtained under this section;

(2) the failure to release or use information obtained under this section; or

(3) the failure to obtain information under this section.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 35, eff. Sept. 1, 1993. Amended by Acts 1995, 74th Leg., ch. 248, Sec. 2, eff. Sept. 1, 1995.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 30 (H.B. 446), Sec. 5.08, eff. September 1, 2023.

Sec. 411.127. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: APPLICANTS FOR EMPLOYMENT AND CONTRACTORS. (a) The Title IV-D agency is entitled to obtain from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency criminal history record information maintained by the department or agency that relates to a person who is an applicant for a position of employment with the Title IV-D agency, or an applicant to serve as a consultant, intern, or volunteer, that involves the performance of duties under Chapter 231, Family Code. The Title IV-D agency may not request the information unless a supervisory employee of the agency has recommended that the applicant be hired or serve as an intern or volunteer.

(b) The Title IV-D agency is entitled to obtain from the Department of Public Safety, Federal Bureau of Investigation identification division, or another law enforcement agency criminal history record information maintained by the department or agency that relates to a person who proposes to enter into a contract with or that has a contract with the Title IV-D agency to supply goods or services to the Title IV-D agency. The

authorization under this subsection to obtain criminal history record information about a person includes information relating to an employee or subcontractor of the person or an employee of the person's subcontractor.

(c) Criminal history record information obtained by the Title IV-D agency under Subsection (a) or (b) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(d) The Title IV-D agency shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

(e) In this section, "Title IV-D agency" has the meaning assigned by Section 101.033, Family Code.

Added by Acts 1993, 73rd Leg., ch. 790, Sec. 42, eff. Sept. 1, 1993. Amended by Acts 1997, 75th Leg., ch. 165, Sec. 7.37, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 556, Sec. 76, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1023, Sec. 74, eff. Sept. 1, 2001.

Sec. 411.1271. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: OFFICE OF THE ATTORNEY GENERAL. (a) The office of the attorney general is entitled to obtain from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency criminal history record information maintained by the department or agency that relates to a person who is an applicant for a position of employment with the office of the attorney general or an applicant to serve as a consultant, intern, or volunteer for the office.

(b) The office of the attorney general is entitled to obtain from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency criminal history record information maintained by the department or agency that relates to a person who proposes to enter into a contract with or who has a contract with the office of the attorney general to supply goods or services to the office of the attorney general. The authorization under this subsection to obtain criminal history record information about a person includes

information relating to an employee or subcontractor of the person or an employee of the person's subcontractor.

(b-1) The office of the attorney general is entitled to obtain from the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency criminal history record information maintained by the department or agency that relates to a person who owes child support in a Title IV-D case, as defined by Section 101.034, Family Code, for the purposes of locating that person and establishing, modifying, or enforcing a child support obligation against that person.

(c) Criminal history record information obtained by the office of the attorney general under this section may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(d) The office of the attorney general shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

Added by Acts 2009, 81st Leg., R.S., Ch. 514 (S.B. 1081), Sec. 1, eff. June 19, 2009.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 508 (H.B. 1674), Sec. 21, eff. September 1, 2011.

Sec. 411.1272. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: OFFICE OF CAPITAL AND FORENSIC WRITS AND PUBLIC DEFENDER'S OFFICES. The office of capital and forensic writs and a public defender's office are entitled to obtain from the department criminal history record information maintained by the department that relates to a criminal case in which an attorney compensated by the office of capital and forensic writs or by the public defender's office has been appointed.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1188 (S.B. 1044), Sec. 3, eff. September 1, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1215 (S.B. 1743), Sec. 25,

eff. September 1, 2015.

Sec. 411.128. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PERSON SEEKING TO ADOPT CHILD. (a) A person seeking to adopt a child under Chapter 162, Family Code, who is ordered by the court to obtain the person's own criminal history record information from the department under Section 162.0085, Family Code, shall request the information as provided by this section.

(b) A person requesting information under this section shall provide the department with the name and address of the court and the date set for the adoption hearing.

Text of subsec. (c) as added by Acts 1995, 74th Leg., ch. 751, Sec. 123

(c) The department shall provide the court with criminal history record information not later than the 10th day after the date on which the criminal history record information is requested.

Text of subsec. (c) as added by Acts 1995, 74th Leg., ch. 908, Sec. 3

(c) The department shall provide the court with criminal history record information not later than the 10th day before the date set for the adoption hearing.

(d) Criminal history record information requested under this section may not be released or disclosed to a person other than the court ordering the investigation except on court order or with the consent of the person who is the subject of the criminal history record information.

Added by Acts 1995, 74th Leg., ch. 751, Sec. 123; Acts 1995, 74th Leg., ch. 908, Sec. 3, eff. Sept. 1, 1995.

Sec. 411.1285. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DOMESTIC RELATIONS OFFICE AND CHILD CUSTODY EVALUATOR. (a) A domestic relations office created under Chapter 203, Family Code, is entitled to obtain from the department criminal history record information that relates to a person who is

a party to a proceeding in which the domestic relations office is providing services permitted under Chapter 203, Family Code.

(a-1) A domestic relations office created under Chapter 203, Family Code, or a child custody evaluator appointed under Chapter 107, Family Code, is entitled to obtain from the department criminal history record information that relates to a person involved in a child custody evaluation under Chapter 107, Family Code, in which the domestic relations office or child custody evaluator has been appointed to conduct the child custody evaluation.

(b) The department shall provide the domestic relations office or the child custody evaluator with criminal history record information not later than the 10th day after the date on which the criminal history record information is requested.

(c) Criminal history record information requested under this section, except for relevant information included in a report of a child custody evaluation or adoption evaluation filed under Chapter 107, Family Code, may not be released or disclosed by a domestic relations office or a child custody evaluator to a person other than the court ordering the child custody evaluation or adoption evaluation except on court order or with the consent of the person who is the subject of the criminal history record information.

Added by Acts 1999, 76th Leg., ch. 318, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1040 (H.B. 1181), Sec. 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 832 (H.B. 772), Sec. 10, eff. September 1, 2007.

Acts 2015, 84th Leg., R.S., Ch. 1252 (H.B. 1449), Sec. 3.07, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 257 (H.B. 1501), Sec. 9, eff. September 1, 2017.

Sec. 411.1286. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COUNTY COMMISSIONERS COURTS; COUNTY CHILD WELFARE BOARD MEMBERS. The commissioners court of a county is entitled to

obtain from the department criminal history record information maintained by the department that relates to a member of a county child welfare board appointed by the commissioners court under Section 264.005, Family Code.

Added by Acts 1999, 76th Leg., ch. 318, Sec. 1, eff. Sept. 1, 1999.

Sec. 411.129. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYMENT BY MUNICIPALITY.

(a) Except as provided by Subsection (b), a municipality is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is:

(A) an applicant for employment by the municipality;

(B) an employee of the municipality;

(C) an applicant for employment by or an employee of a business or person that contracts with the municipality;

(D) a volunteer with the municipality; or

(E) an applicant for a volunteer position with the municipality; or

(2) seeks the municipality's authorization to conduct fire safety inspections without becoming certified as a fire inspector by the Texas Commission on Fire Protection.

(a-1) The department shall make available through electronic means the information available to municipalities under this section.

(b) A municipality is not entitled to obtain under this section any information about a person if the municipality is entitled to obtain under another section of this subchapter any criminal history record information about the person.

Added by Acts 1995, 74th Leg., ch. 323, Sec. 1, eff. Aug. 28, 1995. Renumbered from Government Code Sec. 411.128 by Acts 1997, 75th Leg., ch. 165, Sec. 31.01(34), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1024, Sec. 1, eff. June 18, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 799 (H.B. 2828), Sec. 1, eff.

September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 1245 (H.B. 2446), Sec. 2, eff. June 14, 2019.

Sec. 411.1295. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYMENT BY COUNTY. (a) Except as provided by Subsection (b), a county is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for employment by the county;

(2) an employee of the county;

(3) an applicant for employment by or an employee of a business or person that contracts with the county;

(4) a volunteer with the county; or

(5) an applicant for a volunteer position with the county.

(b) A county is not entitled to obtain under this section any information about a person if the county is entitled to obtain under another section of this subchapter any criminal history record information about the person.

Added by Acts 1999, 76th Leg., ch. 346, Sec. 1, eff. Aug. 30, 1999.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 799 (H.B. 2828), Sec. 2, eff. September 1, 2015.

Sec. 411.1296. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYMENT BY APPRAISAL DISTRICT, APPOINTMENT TO APPRAISAL REVIEW BOARD FOR APPRAISAL DISTRICT, AND APPLICANT TO TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD. (a) Except as provided by Subsection (b), an appraisal district established by Section 6.01, Tax Code, and the Texas Appraiser Licensing and Certification Board are entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to a person who is an applicant for employment by the appraisal district, for appointment to the appraisal review board for the appraisal district, for a license or certification as an appraiser trainee, licensed residential appraiser, certified residential

appraiser, or certified general appraiser, or for an appraisal management company regulated by the Texas Appraiser Licensing and Certification Board.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, an appraisal district and the Texas Appraiser Licensing and Certification Board are entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) An appraisal district is not entitled to obtain under this section any information about a person if the appraisal district is entitled to obtain under another section of this subchapter any criminal history record information about the person.

(c) The appraisal district may provide criminal history record information obtained under Subsection (a-1)(2) to the local administrative district judge or to the appraisal review board commissioners appointed by the local administrative district judge.

(d) An appraisal district or the Texas Appraiser Licensing and Certification Board, as applicable, may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by an appraisal district or the Texas Appraiser Licensing and Certification Board under Subsection (a-1)(2) may not be released or disclosed to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subsections (c) and (e).

(e) An appraisal district or the Texas Appraiser Licensing and Certification Board is not prohibited from disclosing criminal history record information obtained under Subsection (a-1)(2) in a criminal proceeding or in a hearing conducted by an appraisal

district or the Texas Appraiser Licensing and Certification Board.

(f) An appraisal district or the Texas Appraiser Licensing and Certification Board shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2003, 78th Leg., ch. 1037, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 898 (S.B. 682), Sec. 2, eff. June 17, 2011.

Acts 2021, 87th Leg., R.S., Ch. 354 (H.B. 2941), Sec. 4, eff. June 7, 2021.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 57, eff. June 13, 2023.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 58, eff. June 13, 2023.

Sec. 411.1297. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYMENT BY EMERGENCY COMMUNICATION DISTRICT. (a) An emergency communication district created under Chapter 772, Health and Safety Code, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for employment by or an employee of the district;

(2) an applicant for a volunteer position or a volunteer with the district; or

(3) an applicant for employment by or an employee of a person that contracts with the district.

(b) Criminal history record information obtained by an emergency communication district under Subsection (a) may not be released or disclosed to any person except:

(1) in a criminal proceeding;

(2) on court order; or

(3) with the consent of the person who is the subject of the criminal history record information.

Added by Acts 2017, 85th Leg., R.S., Ch. 314 (S.B. 1290), Sec. 1, eff. September 1, 2017.

Sec. 411.130. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION; CRIME VICTIMS' INSTITUTE. The Crime Victims' Institute is entitled to obtain from the department criminal history record information maintained by the department that the institute believes is necessary for the performance of the duties of the institute under Section 96.65, Education Code.

Added by Acts 1995, 74th Leg., ch. 485, Sec. 2, eff. Sept. 1, 1995. Renumbered from Government Code Sec. 411.128 by Acts 1997, 75th Leg., ch. 165, Sec. 31.01(35), eff. Sept. 1, 1997. Amended by Acts 2003, 78th Leg., ch. 927, Sec. 3, eff. Sept. 1, 2003.

Sec. 411.1301. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN LOCAL GOVERNMENT CORPORATIONS ENGAGED IN CRIMINAL IDENTIFICATION ACTIVITIES. (a) This section applies only to a local government corporation that is created under Subchapter D, Chapter 431, Transportation Code, for governmental purposes relating to criminal identification activities, including forensic analysis, and that allocates a substantial part of its annual budget to those criminal identification activities.

(b) A local government corporation described by Subsection (a) is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is an employee or an applicant for employment with the local government corporation;

(2) is a consultant, intern, or volunteer for the local government corporation or an applicant to serve as a consultant, intern, or volunteer;

(3) proposes to enter into a contract with or has a contract with the local government corporation to perform services for or supply goods to the local government corporation; or

(4) is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to the local government corporation.

(c) Criminal history record information obtained by a local government corporation under Subsection (b) may not be released or

disclosed to any person except:

(1) on court order; or

(2) with the consent of the person who is the subject of the criminal history record information.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1188 (S.B. 1044), Sec. 4, eff. September 1, 2013.

Sec. 411.131. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: SAFE HOUSES. (a) In this section:

(1) "Safe house" means a nonprofit organization:

(A) whose primary purpose is to provide temporary shelter for children avoiding harmful situations;

(B) that is certified as a bona fide safe house by a local law enforcement agency; and

(C) that is operating as a "Safe House."

(2) "Volunteer" or "volunteer applicant" means a person who will perform one or more of the following services without remuneration:

(A) any service performed in a safe house;

(B) any service that requires the access to or the handling of money or confidential or privileged information;

(C) any service that involves the care of or access to a child;

(D) coordination or referral of volunteers; or

(E) executive administrative responsibilities.

(b) A safe house is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is a volunteer or a volunteer applicant of the volunteer center, if the volunteer or applicant signs a written consent to a criminal history background check.

(c) Repealed by Acts 2003, 78th Leg., ch. 296, Sec. 13(10).

(d) The department may establish rules governing the administration of this section.

(e) A safe house may not keep or retain criminal history record information obtained under this section in any file. Criminal history record information must be destroyed promptly after the determination of suitability of the person for any

position as a volunteer.

(f) A safe house or an officer or volunteer of a safe house is not liable in a civil action for damages resulting from a failure to comply with this section if the safe house, officer, or volunteer makes a good faith effort to comply.

Added by Acts 1995, 74th Leg., ch. 691, Sec. 1, eff. Aug. 28, 1995. Renumbered from Government Code Sec. 411.128 by Acts 1997, 75th Leg., ch. 165, Sec. 31.01(36), eff. Sept. 1, 1997. Amended by Acts 2003, 78th Leg., ch. 296, Sec. 13(10), eff. Sept. 1, 2003.

Sec. 411.132. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE AUDITOR. (a) The state auditor is entitled to obtain from the department criminal history record information for purposes of:

(1) performing risk assessment in devising the annual audit plan; or

(2) performing an investigation under Chapter 321 of specified acts or allegations of impropriety, malfeasance, or nonfeasance.

(b) The department and the state auditor shall enter into an agreement providing the state auditor with electronic access to the information that includes appropriate safeguards against unauthorized disclosure of the information.

(c) Except as provided by Subsection (d), information obtained by the state auditor under Subsection (a) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(d) If, in the judgment of the state auditor, information obtained under Subsection (a) indicates a substantial risk to the interests of the state, the state auditor shall report the information to the legislative audit committee and to the administrative head of the affected agency. The reports are audit working papers of the state auditor.

(e) The state auditor shall destroy information obtained under Subsection (a) when the information is no longer needed for audit purposes or to support audit findings.

Added by Acts 1997, 75th Leg., ch. 1122, Sec. 9, eff. Sept. 1, 1997.

Sec. 411.133. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: REGIONAL TOLLWAY AUTHORITIES. (a) A regional tollway authority governed by Chapter 366, Transportation Code, is entitled to obtain from the department criminal history record information maintained by the department that pertains to a person who is:

(1) employed by the regional tollway authority; or

(2) an applicant for employment with the regional tollway authority.

(b) Criminal history record information obtained under Subsection (a) may not be released or disclosed to any person except in a criminal proceeding, in a hearing conducted by the regional tollway authority, on court order, or with the consent of the person who is the subject of the criminal history record information.
Added by Acts 1997, 75th Leg., ch. 1171, Sec. 7.25, eff. Sept. 1, 1997. Renumbered from Sec. 411.132 by Acts 1999, 76th Leg., ch. 62, Sec. 19.01(37), eff. Sept. 1, 1999.

Sec. 411.134. CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE LIBRARY AND ARCHIVES COMMISSION. (a) In this section:

(1) "Commission" means the Texas State Library and Archives Commission.

(2) "Security-sensitive position" means a position of employment with the Texas State Library and Archives Commission held by an employee who:

(A) has access to the confidential records of state agencies that are stored by the commission;

(B) has access to any part of the archives of the state library as described in Section 441.010;

(C) has access to a computer terminal, if any information available from the terminal is required by law to remain confidential; or

(D) handles currency.

(b) The commission is entitled to obtain from the department criminal history record information maintained by the department

that relates to a person who is employed in or is an applicant for a security-sensitive position.

(c) Criminal history record information obtained by the commission under Subsection (b) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the information.

(d) The commission shall destroy criminal history record information that relates to a person after the information is used to make an employment decision or to take a personnel action relating to the person who is the subject of the information.

Added by Acts 1997, 75th Leg., ch. 1366, Sec. 1, eff. Sept. 1, 1997. Renumbered from Sec. 411.132 by Acts 1999, 76th Leg., ch. 62, Sec. 19.01(38), eff. Sept. 1, 1999.

Sec. 411.135. ACCESS TO CERTAIN INFORMATION BY PUBLIC. (a) Any person is entitled to obtain from the department:

(1) any information described as public information under Chapter 62, Code of Criminal Procedure, including, to the extent available, a recent photograph of each person subject to registration under that chapter;

(2) criminal history record information maintained by the department that relates to the conviction of or a grant of deferred adjudication to a person for any criminal offense, including arrest information that relates to the conviction or grant of deferred adjudication; and

(3) any information described as public information under Section 411.1355.

(b) The department by rule shall design and implement a system to respond to electronic inquiries and other inquiries for information described by Subsection (a).

(c) A person who obtains information from the department under Subsection (a) may:

(1) use the information for any purpose; or

(2) release the information to any other person.

Added by Acts 1997, 75th Leg., ch. 747, Sec. 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1415, Sec. 21, eff. Sept. 1, 1999.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 9.004, eff. September 1, 2013.

Acts 2023, 88th Leg., R.S., Ch. 637 (H.B. 5202), Sec. 2, eff. June 11, 2023.

Sec. 411.1355. CENTRAL DATABASE OF OFFENDERS WHO HAVE COMMITTED CERTAIN VIOLENT OFFENSES. (a) The department shall maintain a computerized central database containing information regarding persons who on two or more occasions have been convicted of:

(1) an offense under Section 22.01, 22.011, 22.02, or 22.021, Penal Code, for which an affirmative finding was made under Article 42.013, Code of Criminal Procedure;

(2) an offense under Section 25.11 or 42.072, Penal Code; or

(3) any combination of offenses described by Subdivision (1) or (2).

(b) The information contained in the database is public information, with the exception of any information:

(1) regarding the person's social security number, driver's license number, or telephone number; or

(2) that would identify the victim of the offense.

(c) The database maintained by the department under this section must contain, to the extent the information is available to the department:

(1) the person's full name, each alias used by the person, and the person's date of birth;

(2) a physical description and recent photograph of the person;

(3) a list of offenses described by Subsection (a) of which the person was convicted, the date of conviction of each offense, and the punishment prescribed for each offense; and

(4) an indication as to whether the person was discharged, placed on community supervision, or released on parole or to mandatory supervision following conviction of each offense.

(d) The department shall permit a person whose name is

included in the database established under this section to petition the department for removal of the person's name from the database, and the department shall remove the person's name from the database in response to the petition if:

(1) an order of expunction is issued under Chapter 55A, Code of Criminal Procedure, with respect to one of the offenses described by Subsection (a), unless the person has been convicted three or more times of an offense described by that subsection; or

(2) during the seven-year period preceding the date of the petition, the person is not convicted of an offense described by Subsection (a).

(e) On the Internet website through which a person may search the database described by this section, the department shall include in a prominent location information regarding:

(1) the manner in which a person may petition the department for removal of a person's name from the database, including any forms required by the department for the petitions to be used for the purpose;

(2) the circumstances under which the department will grant a petition; and

(3) contact information for family violence organizations.

(f) The department shall consult with a representative of a statewide advocacy organization for issues related to family violence and victim safety regarding implementation of the database and the information required to be included on the database website under Subsection (e)(3).

Added by Acts 2023, 88th Leg., R.S., Ch. 637 (H.B. 5202), Sec. 3, eff. June 11, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 8.012, eff. September 1, 2025.

Sec. 411.136. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CERTAIN HOSPITALS AND HOSPITAL DISTRICTS. (a) In this section:

(1) "Public hospital" means a hospital that is owned,

operated, or leased by a county, municipality, or hospital authority.

(2) "Nonprofit hospital" means a hospital that is exempt from federal taxation under Section 501(a), Internal Revenue Code of 1986, as amended, by being listed as an exempt entity under Section 501(c)(3) of that code.

(b) A public or nonprofit hospital or hospital district is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for employment or a volunteer position with the hospital or district;

(2) an employee of or a volunteer with the hospital or district;

(3) an applicant for employment with or an employee of a person or business that contracts with the hospital or district; or

(4) a student enrolled in an educational program or course of study who is at the hospital or a hospital owned or operated by the district for educational purposes.

(c) The public or nonprofit hospital or hospital district shall adopt a uniform method to obtain criminal history record information from persons described by Subsection (b). The hospital or district may require the complete name, driver's license number, or fingerprints of those persons.

(d) The public or nonprofit hospital or hospital district may dismiss a person or deny a person employment or a volunteer position or refuse to allow a person to work in a hospital or district facility if:

(1) the person fails or refuses to provide information described by Subsection (c); or

(2) the person's criminal history record information reveals a conviction or deferred adjudication that renders the person unqualified or unsuitable for employment or a volunteer position or to be present at a hospital for educational purposes.

(e) All criminal history record information received by a public or nonprofit hospital or hospital district under this

section is privileged, confidential, and intended for the exclusive use of the entity that obtained the information. The hospital or district may not release or disclose criminal history record information to any person or agency except in a criminal proceeding, in a hearing conducted by the hospital or district, to another governmental entity as required by law, as required by court order, or with the consent of the person who is the subject of the criminal history record information.

(f) The public or nonprofit hospital or hospital district shall develop procedures for the custody and use of information obtained under this section. After use of the information, the hospital or district administrator or the administrator's designee shall destroy the information in accordance with the hospital's or district's document destruction procedures.

(g) A public or nonprofit hospital, a hospital district, a member of the governing board of the hospital or district, or an employee of a hospital or district is not civilly liable for failure to comply with this chapter if the hospital or district makes a good faith effort to comply.

Added by Acts 1999, 76th Leg., ch. 60, Sec. 1, eff. Sept. 1, 1999. Amended by Acts 2003, 78th Leg., ch. 97, Sec. 1, eff. May 20, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.13, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 266 (H.B. 729), Sec. 1, eff. June 14, 2013.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 16, eff. September 1, 2025.

Sec. 411.138. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: JUVENILE BOARD OR JUVENILE PROBATION DEPARTMENT. A juvenile board or juvenile probation department is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a position with the juvenile probation department;

(2) an employee for whom the juvenile board or

juvenile probation department will seek certification from the Texas Juvenile Justice Department; or

(3) an employee or department applicant who currently holds certification from the Texas Juvenile Justice Department.

Added by Acts 2001, 77th Leg., ch. 1297, Sec. 56, eff. Sept. 1, 2001.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 734 (H.B. 1549), Sec. 93, eff. September 1, 2015.

Sec. 411.1385. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: SAVINGS AND MORTGAGE LENDING COMMISSIONER. (a) The savings and mortgage lending commissioner is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for or holder of a license, charter, or other authority granted or issued by the savings and mortgage lending commissioner under:

(A) Subtitle B or C, Title 3, Finance Code; or

(B) Chapter 156, 157, 158, or 180, Finance Code;

(2) an employee of or volunteer with the Department of Savings and Mortgage Lending;

(3) an applicant for employment or an internship with the Department of Savings and Mortgage Lending; or

(4) a contractor or subcontractor of the Department of Savings and Mortgage Lending.

(b) Except as provided by Subsection (c), the savings and mortgage lending commissioner may not release or disclose criminal history record information obtained under this section unless:

(1) the information is obtained from a fingerprint-based search; and

(2) the information is released or disclosed:

(A) on court order;

(B) to the person who is the subject of the criminal history record information; or

(C) with the consent of the person who is the subject of the criminal history record information.

(c) Criminal history record information obtained by the savings and mortgage lending commissioner under Subsection (a) with respect to the issuance of a license under Chapter 156, Finance Code, may be released or disclosed only as provided by Section 156.206, Finance Code.

Added by Acts 2003, 78th Leg., ch. 173, Sec. 3, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 296, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 921 (H.B. 3167), Sec. 6.062, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1104 (H.B. 10), Sec. 21, eff. June 19, 2009.

Acts 2017, 85th Leg., R.S., Ch. 166 (H.B. 2580), Sec. 1, eff. September 1, 2017.

Sec. 411.1386. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COURT CLERK; HEALTH AND HUMAN SERVICES COMMISSION; GUARDIANSHIPS.

(a) Except as provided by Subsections (a-1) and (a-6), the clerk of the county having venue over a proceeding for the appointment of a guardian under Title 3, Estates Code, shall, based on information provided in an application filed under Section 1101.001, Estates Code, obtain criminal history record information as provided by Subsection (a-7) that relates to any person, other than an attorney or a person who is a certified guardian, proposed to serve as a guardian under Title 3, Estates Code, including:

(1) a proposed temporary guardian;

(2) a proposed successor guardian; or

(3) any person who will have care and custody of the proposed ward or the proposed ward's estate on behalf of the proposed guardian and who is not otherwise required to submit to a criminal background check under this section.

(a-1) The Health and Human Services Commission shall obtain from the Department of Public Safety criminal history record information maintained by the Department of Public Safety that relates to each individual who is or will be providing guardianship services to a ward of or referred by the Health and Human Services

Commission, including:

(1) an employee of or an applicant selected for an employment position with the Health and Human Services Commission;

(2) a volunteer or an applicant selected to volunteer with the Health and Human Services Commission;

(3) an employee of or an applicant selected for an employment position with a business entity or other person that contracts with the Health and Human Services Commission to provide guardianship services to a ward referred by that commission;

(4) a volunteer or an applicant selected to volunteer with a business entity or person described by Subdivision (3); and

(5) a contractor or an employee of a contractor who provides services to a ward of the Health and Human Services Commission under a contract with the estate of the ward.

(a-2) The information in Subsection (a-1) regarding applicants for employment positions must be obtained before an offer of employment, and the information regarding applicant volunteers must be obtained before the person's contact with a ward of or referred by the Health and Human Services Commission.

(a-3) The information in Subsection (a-1) regarding employees, contractors, or volunteers providing guardianship services must be obtained annually.

(a-4) Repealed by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(6), eff. June 13, 2023.

(a-5) Repealed by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(6), eff. June 13, 2023.

(a-6) The clerk described by Subsection (a) is not required to obtain criminal history record information from the department for a person if the Judicial Branch Certification Commission conducted a criminal history check on the person under Sections 155.203 and 155.207. The commission shall provide to the clerk the criminal history record information that was obtained from the department. The clerk shall, in accordance with Subsection (a-7)(1), obtain criminal history record information from the Federal Bureau of Investigation identification division relating to any person described by Subsection (a).

(a-7) Subject to Section 411.087 and consistent with the

public policy of this state, the clerk described by Subsection (a) is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained by or provided to a clerk under this section is for the exclusive use of the court and is privileged and confidential.

(c) A clerk may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-7)(1). Criminal history record information obtained by or provided to a clerk under Subsection (a-7)(2) or (a-6) may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) The clerk shall destroy the criminal history record information after the information is used for the purposes authorized by this section.

(d) Repealed by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(6), eff. June 13, 2023.

(e) The court, as that term is defined by Section 1002.008, Estates Code, shall use the information obtained or provided under Subsection (a), (a-4)(1), (a-5), or (a-6) only in determining whether to:

(1) appoint, remove, or continue the appointment of a private professional guardian, a guardianship program, or the Health and Human Services Commission; or

(2) appoint any other person proposed to serve as a guardian under Title 3, Estates Code, including a proposed temporary guardian and a proposed successor guardian, other than an attorney.

(f) Repealed by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(6), eff. June 13, 2023.

(g) A person commits an offense if the person releases or discloses any information received under this section without the authorization prescribed by Subsection (c). An offense under this subsection is a Class A misdemeanor.

(h) The county clerk may charge a $10 fee to recover the costs of obtaining criminal history record information authorized by Subsection (a-7).

(i) Repealed by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(6), eff. June 13, 2023.

Added by Acts 2003, 78th Leg., ch. 296, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 361 (S.B. 291), Sec. 4, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 511 (S.B. 1057), Sec. 1, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 2.24, eff. September 1, 2014.

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 2.005, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1031 (H.B. 1438), Sec. 36, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 313 (S.B. 1096), Sec. 12, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 22.037, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 12, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 13, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 59, eff. June 13, 2023.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(6), eff. June 13, 2023.

Acts 2025, 89th Leg., R.S., Ch. 1155 (S.B. 2587), Sec. 17, eff. September 1, 2025.

Sec. 411.13861. ACCESS TO CRIMINAL HISTORY RECORD

INFORMATION: HEALTH AND HUMAN SERVICES COMMISSION. (a) The Health and Human Services Commission is entitled to obtain criminal history record information as provided by Subsection (a-1) that relates to a person:

(1) who is required to undergo a background and criminal history check under Chapter 248A, Health and Safety Code;

(2) who seeks unsupervised visits with a ward of the Health and Human Services Commission, including a relative of the ward;

(3) who is an applicant for employment with the Health and Human Services Commission for a position in which the person, as an employee, would have direct access to residents or clients of a facility regulated by the Health and Human Services Commission, as determined by the executive commissioner of that commission; or

(4) who is an employee of the Health and Human Services Commission and who has direct access to residents or clients of a facility regulated by that commission, as determined by the executive commissioner of that commission.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Health and Human Services Commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person who is described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained under Subsection (a-1) is for the exclusive use of the Health and Human Services Commission and is privileged and confidential.

(c) The Health and Human Services Commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Health and Human Services Commission under Subsection (a-1)(2) may

not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c-1) The Health and Human Services Commission shall destroy the criminal history record information after the information is used for the purposes authorized by this section.

(d) This section does not prohibit the Health and Human Services Commission from obtaining and using criminal history record information as provided by other law.

(e) In this section, "ward" has the meaning assigned by Section 1002.030, Estates Code.

(f) Repealed by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(7), eff. June 13, 2023.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1168 (S.B. 492), Sec. 2, eff. September 1, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 1 (S.B. 219), Sec. 2.006, eff. April 2, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1209 (S.B. 1540), Sec. 2, eff. June 19, 2015.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 14, eff. June 10, 2019.

Acts 2019, 86th Leg., R.S., Ch. 684 (S.B. 2200), Sec. 15, eff. June 10, 2019.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 60, eff. June 13, 2023.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 71(7), eff. June 13, 2023.

Sec. 411.1387. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: FACILITY, REGULATORY AGENCY, OR PRIVATE AGENCY. (a) In this section, "facility," "regulatory agency," and "private agency" have the meanings assigned by Section 250.001, Health and Safety Code.

(b) A regulatory agency is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for employment at or an employee of a facility other than a facility licensed under Chapter 142, Health and Safety Code; or

(2) an applicant for employment at or an employee of a facility licensed under Chapter 142, Health and Safety Code, if the duties of employment involve direct contact with a consumer in the facility.

(b-1) A facility or a private agency on behalf of a facility is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for employment with, an employee of, or a volunteer with the facility;

(2) an applicant for employment with or an employee of a person or business that contracts with the facility; or

(3) a student enrolled in an educational program or course of study who is at the facility for educational purposes.

(c) A facility may:

(1) obtain directly from the department criminal history record information on a person described by Subsection (b-1); or

(2) authorize a private agency to obtain that information from the department.

(d) A private agency obtaining criminal history record information on behalf of a facility under Subsection (c) shall forward the information received to the facility requesting the information.

(e) Criminal history record information obtained by a facility, regulatory agency, or private agency on behalf of a facility under Subsection (b) or (b-1) may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

Added by Acts 2003, 78th Leg., ch. 296, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 266 (H.B. 729), Sec. 2, eff. June 14, 2013.

Sec. 411.1388. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: INTERAGENCY COUNCIL ON SEX OFFENDER TREATMENT. (a) The Council on Sex Offender Treatment is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is licensed to provide mental health or medical services for the rehabilitation of sex offenders under Chapter 110, Occupations Code; or

(2) has applied for a license or renewal of a license to provide mental health or medical services for the rehabilitation of sex offenders under Chapter 110, Occupations Code.

(b) Criminal history record information obtained by the Interagency Council on Sex Offender Treatment under Subsection (a) may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c) The Interagency Council on Sex Offender Treatment shall destroy criminal history record information obtained under Subsection (a) not later than the first anniversary of the date the council makes a decision as to the person's eligibility for registration or the renewal of a registration.

Added by Acts 2003, 78th Leg., ch. 296, Sec. 9, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1089 (H.B. 2036), Sec. 30, eff. September 1, 2005.

Sec. 411.1389. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS CIVIL COMMITMENT OFFICE. (a) The Texas Civil Commitment Office is entitled to obtain from the department criminal history record information that is maintained by the department and that relates to a person who:

(1) has applied with the office to be:

(A) an employee of the office; or

(B) a contracted service provider with the office; or

(2) seeks the office's approval to act as a contact or chaperone for a person who is civilly committed as a sexually

violent predator under Chapter 841, Health and Safety Code.

(b) Criminal history record information obtained by the Texas Civil Commitment Office under Subsection (a) may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c) The Texas Civil Commitment Office shall destroy criminal history record information obtained under Subsection (a) as soon as practicable after the date on which, as applicable:

(1) the person's employment or contract with the office terminates;

(2) the office decides not to employ or contract with the person; or

(3) the office determines whether the person is suitable as a contact or chaperone for a person who is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code.

(d) The Texas Civil Commitment Office is entitled to obtain from the department criminal history record information that is maintained by the department and that relates to a person who:

(1) is civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code; or

(2) was previously civilly committed as a sexually violent predator under Chapter 841, Health and Safety Code, and subsequently released by a court order.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1201 (S.B. 166), Sec. 1, eff. September 1, 2011.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 845 (S.B. 746), Sec. 34, eff. June 17, 2015.

Acts 2017, 85th Leg., R.S., Ch. 34 (S.B. 1576), Sec. 8, eff. September 1, 2017.

Acts 2025, 89th Leg., R.S., Ch. 1145 (S.B. 1610), Sec. 25, eff. September 1, 2025.

Sec. 411.139. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE SECURITIES BOARD. (a) The securities

commissioner is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a certificate of registration under The Securities Act (Title 12, Government Code);

(2) a holder of a certificate of registration under The Securities Act (Title 12, Government Code);

(3) an applicant for employment by the State Securities Board; or

(4) an employee of the State Securities Board.

(b) Criminal history record information obtained by the securities commissioner under this section may not be released by any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information, unless the information is entered into evidence by the State Securities Board or a court at an administrative proceeding or a civil or criminal action under The Securities Act (Title 12, Government Code).

Added by Acts 2001, 77th Leg., ch. 1091, Sec. 2.23, eff. Sept. 1, 2001. Renumbered from Government Code Sec. 411.137 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(57), eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.14, eff. June 19, 2009.

Acts 2019, 86th Leg., R.S., Ch. 491 (H.B. 4171), Sec. 2.18, eff. January 1, 2022.

Sec. 411.1391. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS FACILITIES COMMISSION. (a) The Texas Facilities Commission is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1) is an employee or an applicant for employment with the commission;

(2) is a consultant, intern, or volunteer for the commission or an applicant to serve as a consultant, intern, or volunteer;

(3) proposes to enter into a contract with or has a contract with the commission to perform services for or supply goods to the commission; or

(4) is an employee or subcontractor, or an applicant to be an employee or subcontractor, of a contractor that provides services to the commission.

(b) Criminal history record information obtained by the Texas Facilities Commission under Subsection (a) may not be released or disclosed to any person except:

(1) on court order; or

(2) with the consent of the person who is the subject of the criminal history record information.

Added by Acts 2011, 82nd Leg., R.S., Ch. 541 (H.B. 2632), Sec. 1, eff. June 17, 2011.

Sec. 411.140. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE COMMISSION ON JUDICIAL CONDUCT. (a) The State Commission on Judicial Conduct is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) a judge who is the subject of an investigation or proceeding under Chapter 33; or

(2) the complainant or a witness in an investigation or a proceeding under Chapter 33.

(b) Information received by the State Commission on Judicial Conduct is confidential and may be disseminated only in an investigation or proceeding conducted by the commission or with the consent of the person who is the subject of the criminal history record information.

(c) The State Commission on Judicial Conduct shall destroy criminal history record information obtained under this section promptly after a final determination is made in the matter for which the information was obtained.

Added by Acts 2001, 77th Leg., ch. 917, Sec. 19, eff. Sept. 1, 2001. Renumbered from Government Code Sec. 411.137 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(58), eff. Sept. 1, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.15, eff. June 19, 2009.

Sec. 411.1401. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PROGRAMS PROVIDING ACTIVITIES FOR CHILDREN. (a) In this section, "activity provider" means a nonprofit program that includes as participants or recipients persons who are younger than 17 years of age and that regularly provides athletic, civic, or cultural activities.

(b) An activity provider is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is a volunteer or a volunteer applicant of the activity provider.

(c) The department may establish rules governing the administration of this section.

(d) An activity provider may use criminal history record information obtained under this section only to determine the suitability of a person for a position as a volunteer and may not keep or retain criminal history record information obtained under this section in any file. Criminal history record information must be destroyed promptly after a determination of suitability is made.

(e) Criminal history record information obtained under this section may not be released or disclosed to any person except in a criminal proceeding, on court order, or with the consent of the person who is the subject of the criminal history record information.

(f) An employee, officer, or volunteer of an activity provider is not liable in a civil action for damages resulting from a failure to comply with this section unless the act or omission of the employee, officer, or volunteer was intentional, wilfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others.

Added by Acts 2003, 78th Leg., ch. 296, Sec. 10, eff. Sept. 1, 2003; Acts 2003, 78th Leg., ch. 838, Sec. 1, eff. June 30, 2003.

Sec. 411.1402. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYEES RETIREMENT SYSTEM OF TEXAS. (a) The

Employees Retirement System of Texas is entitled to obtain from the department, the Federal Bureau of Investigation Criminal Justice Information Services Division, or another law enforcement agency criminal history record information maintained by the department, division, or agency that relates to a person who is:

(1) an applicant for employment with, or who is or has been employed by, the retirement system;

(2) a consultant, contract employee, independent contractor, intern, or volunteer for the retirement system or an applicant to serve in one of those positions; or

(3) a candidate for appointment or election to the board of trustees of the retirement system or an advisory committee to that board.

(b) Criminal history record information obtained by the Employees Retirement System of Texas under Subsection (a) may be used only to evaluate an applicant for employment with, or a current or former employee of, the retirement system.

(c) The Employees Retirement System of Texas may not release or disclose information obtained under Subsection (a) except on court order or with the consent of the person who is the subject of the criminal history record information.

(d) After the expiration of any probationary term of the person's employment or not later than the 180th day after the date of receipt of the information, whichever is later, the Employees Retirement System of Texas shall destroy all criminal history record information obtained under Subsection (a).

Added by Acts 2005, 79th Leg., Ch. 347 (S.B. 1176), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.16, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 618 (S.B. 1459), Sec. 1, eff. September 1, 2013.

Sec. 411.1403. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: RAILROAD COMMISSION OF TEXAS. (a) The Railroad Commission of Texas is entitled to obtain from the department, the

Federal Bureau of Investigation Criminal Justice Information Services Division, or another law enforcement agency criminal history record information maintained by the department, division, or agency that relates to a person who is:

(1) an applicant for employment with, or who is or has been employed by, the commission; or

(2) a consultant, contract employee, independent contractor, intern, or volunteer for the commission or an applicant to serve in one of those positions.

(b) Criminal history record information obtained by the Railroad Commission of Texas under Subsection (a) may be used only to evaluate an applicant for employment with, or a current or former employee of, the commission.

(c) The Railroad Commission of Texas may not release or disclose information obtained under Subsection (a) except on court order or with the consent of the person who is the subject of the criminal history record information.

(d) After the expiration of any probationary term of the person's employment or not later than the 180th day after the date of receipt of the information, whichever is later, the Railroad Commission of Texas shall destroy all criminal history record information obtained under Subsection (a).

Added by Acts 2017, 85th Leg., R.S., Ch. 486 (H.B. 2588), Sec. 1, eff. June 9, 2017.

Sec. 411.14031. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PUBLIC UTILITY COMMISSION OF TEXAS. (a) The Public Utility Commission of Texas is entitled to obtain as provided by Subsection (a-1) criminal history record information that relates to an applicant for employment at, a current employee of, or a person who contracts or may contract to provide goods or services for the Public Utility Commission of Texas.

(a-1) Subject to Section 411.087 and consistent with the public policy of this state, the Public Utility Commission of Texas is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that

bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(b) Criminal history record information obtained under Subsection (a-1) is for the exclusive use of the Public Utility Commission of Texas and is privileged and confidential.

(b-1) The Public Utility Commission of Texas may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (a-1)(1). Criminal history record information obtained by the Public Utility Commission of Texas under Subsection (a-1)(2) may not be released or disclosed to any person or agency except on court order or with the consent of the person who is the subject of the information.

(c) The Public Utility Commission of Texas shall destroy criminal history record information obtained under this section after the information is used for the purpose authorized by this section.

(d) This section does not prohibit the Public Utility Commission of Texas from obtaining and using criminal history record information as provided by other law.

Added by Acts 2023, 88th Leg., R.S., Ch. 154 (S.B. 1112), Sec. 1, eff. September 1, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 454 (H.B. 4344), Sec. 1, eff. September 1, 2025.

Sec. 411.1404. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF INFORMATION RESOURCES. (a) The Department of Information Resources is entitled to obtain from the department or the identification division of the Federal Bureau of Investigation the criminal history record information maintained by the department or division that relates to a person who is an employee, applicant for employment, contractor, subcontractor, intern, or other volunteer with the Department of Information

Resources or with a contractor or subcontractor for the Department of Information Resources.

(b) Criminal history record information obtained by the Department of Information Resources under this section may not be released or disclosed except:

(1) by court order; or

(2) with the consent of the person who is the subject of the information.

(c) The Department of Information Resources shall destroy criminal history record information obtained under this section that relates to a person after the information is used to make an employment decision or to take a personnel action relating to the person who is the subject of the information.

(d) The Department of Information Resources may not obtain criminal history record information under this section unless the Department of Information Resources first adopts policies and procedures that provide that evidence of a criminal conviction or other relevant information obtained from the criminal history record information does not automatically disqualify an individual from employment. The policies and procedures adopted under this subsection must provide that the hiring official will determine, on a case-by-case basis, whether the individual is qualified for employment based on factors that include:

(1) the specific duties of the position;

(2) the number of offenses committed by the individual;

(3) the nature and seriousness of each offense;

(4) the length of time between the offense and the employment decision;

(5) the efforts by the individual at rehabilitation; and

(6) the accuracy of the information on the individual's employment application.

Added by Acts 2009, 81st Leg., R.S., Ch. 183 (H.B. 1830), Sec. 2, eff. September 1, 2009.

Sec. 411.1405. ACCESS TO CRIMINAL HISTORY RECORD

INFORMATION: STATE AGENCIES; INFORMATION TECHNOLOGY EMPLOYEES. (a) In this section:

(1) "Information resources" and "information resources technologies" have the meanings assigned by Section 2054.003.

(2) "State agency" means a department, commission, board, office, council, authority, or other agency in the executive, legislative, or judicial branch of state government that is created by the constitution or a statute of this state, including a university system or institution of higher education as defined by Section 61.003, Education Code.

(b) To the extent consistent with Subsection (e), a state agency is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to a person who:

(1) is an employee, applicant for employment, contractor, subcontractor, or intern or other volunteer with the state agency or with a contractor or subcontractor for the state agency; and

(2) has access to information resources or information resources technologies, other than a desktop computer or telephone station assigned to that person.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, a state agency is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) A state agency may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). A state agency that obtains criminal history record information under this section may not release or disclose the information obtained under Subsection (b-1)(2) or any documents or other records derived from the information except:

(1) by court order;

(2) with the consent of the person who is the subject of the information;

(3) to the affected contractor or subcontractor; or

(4) as described by Subsection (g).

(d) A state agency and the affected contractor or subcontractor shall destroy criminal history record information obtained under this section after the information is used for the purposes authorized by this section.

(e) A state agency may not obtain criminal history record information under this section unless the state agency first adopts policies and procedures that provide that evidence of a criminal conviction or other relevant information obtained from the criminal history record information does not automatically disqualify an individual from employment. The attorney general shall review the policies and procedures for compliance with due process and other legal requirements before adoption by the state agency. The attorney general may charge the state agency a fee to cover the cost of the review. The policies and procedures adopted under this subsection must provide that the hiring official will determine, on a case-by-case basis, whether the individual is qualified for employment based on factors that include:

(1) the specific duties of the position;

(2) the number of offenses committed by the individual;

(3) the nature and seriousness of each offense;

(4) the length of time between the offense and the employment decision;

(5) the efforts by the individual at rehabilitation; and

(6) the accuracy of the information on the individual's employment application.

(f) A criminal history record information provision in another law that is more specific to a state agency, including Section 411.089, prevails over this section to the extent of any conflict.

(g) A state agency is not prohibited from disclosing

criminal history record information obtained under Subsection (b-1)(2) in a criminal proceeding.

Added by Acts 2003, 78th Leg., ch. 87, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 61, eff. June 13, 2023.

Sec. 411.14055. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS SCHOOL SAFETY CENTER. The Texas School Safety Center at Texas State University is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is registering with the Texas School Safety Center to provide school safety or security consulting services under Section 37.2091, Education Code.

Added by Acts 2021, 87th Leg., R.S., Ch. 928 (H.B. 3597), Sec. 6, eff. June 18, 2021.

Sec. 411.1406. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COUNTY ATTORNEY IN COUNTY WITH POPULATION OF 3.3 MILLION OR MORE. A county attorney in a county with a population of 3.3 million or more is entitled to obtain from the department criminal history record information maintained by the department that relates to:

(1) a matter falling within the authority of the county attorney as specified by Section 45.201; or

(2) a person who is an applicant for employment by the county.

Added by Acts 2007, 80th Leg., R.S., Ch. 416 (S.B. 1196), Sec. 1, eff. June 15, 2007.

Added by Acts 2007, 80th Leg., R.S., Ch. 926 (H.B. 3211), Sec. 1, eff. June 15, 2007.

Sec. 411.14065. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COUNTY TAX ASSESSOR-COLLECTOR. A county tax assessor-collector in a county described by Section 520.052, Transportation Code, is entitled to obtain from the department criminal history record information maintained by the department

that relates to a person who is an applicant for a motor vehicle title service license issued under Subchapter E, Chapter 520, Transportation Code.

Added by Acts 2015, 84th Leg., R.S., Ch. 229 (H.B. 2208), Sec. 1, eff. May 29, 2015.

Sec. 411.1407. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CREDIT UNION DEPARTMENT. (a) The credit union commissioner is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an individual who applies to incorporate a credit union under Subtitle D, Title 3, Finance Code;

(2) a board member of a credit union incorporated under Subtitle D, Title 3, Finance Code;

(3) an applicant for employment by the credit union department; or

(4) an employee of the credit union department.

(b) Criminal history record information obtained by the credit union commissioner under this section may not be released by any person except:

(1) on court order, unless the information is entered into evidence by the credit union department or a court at an administrative proceeding or a civil or criminal action under Subtitle D, Title 3, Finance Code; or

(2) with the consent of the person who is the subject of the criminal history record information.

Added by Acts 2007, 80th Leg., R.S., Ch. 285 (H.B. 716), Sec. 3, eff. September 1, 2007.

Sec. 411.1408. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: JUDICIAL BRANCH CERTIFICATION COMMISSION. (a) In this section, "commission" means the Judicial Branch Certification Commission established under Chapter 152.

(b) The commission is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to a person who is an applicant for or the holder of a certificate,

registration, or license issued by the commission or otherwise under Subtitle L, Title 2.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, the commission is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) The commission may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). Criminal history record information obtained by the commission under Subsection (b-1)(2):

(1) may be used by the commission for any purpose related to the issuance, denial, suspension, revocation, or renewal of a certificate, registration, or license issued by the commission or otherwise under Subtitle L, Title 2; and

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

(A) on court order; or

(B) as authorized by Section 411.1386(a-6) of this code or Section 1104.404, Estates Code, if applicable.

(d) The commission shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2007, 80th Leg., R.S., Ch. 15 (S.B. 505), Sec. 1, eff. April 25, 2007.

Renumbered from Government Code, Section 411.1406 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(23), eff. September 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 511 (S.B. 1057), Sec. 2, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 42 (S.B. 966), Sec. 2.25, eff.

September 1, 2014.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.002(10), eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 62, eff. June 13, 2023.

Sec. 411.1409. ACCESS TO CRIMINAL HISTORY INFORMATION: APPELLATE COURTS. (a) In this section, "appellate court" means the Supreme Court of Texas, the Texas Court of Criminal Appeals, or a court of appeals.

(b) An appellate court is entitled to obtain criminal history record information as provided by Subsection (b-1) that relates to a person who is an applicant for:

(1) employment with the court;

(2) a volunteer position with the court; or

(3) an appointment made by the court.

(b-1) Subject to Section 411.087 and consistent with the public policy of this state, the court is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(c) Criminal history record information obtained by the court under this section may be used only to evaluate an applicant.

(d) The court may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b-1)(1). The court may not release or disclose information obtained under Subsection (b-1)(2) except on order of a district court.

(e) The court shall destroy criminal history record information obtained under this section after the information is used for its authorized purpose.

Added by Acts 2007, 80th Leg., R.S., Ch. 406 (S.B. 885), Sec. 1, eff. September 1, 2007.

Renumbered from Government Code, Section 411.1406 by Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(24), eff. September 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 10.17, eff. June 19, 2009.

Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 63, eff. June 13, 2023.

Sec. 411.1410. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: UNITED STATES ARMED FORCES. (a) In this section, "agency of the United States armed forces" means the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, or the United States Air Force.

(b) Subject to Subsection (c), an agency of the United States armed forces, including a recruiter for the agency, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for enlistment in the United States armed forces.

(c) An agency of the United States armed forces is entitled to criminal history record information under Subsection (b) only if the agency submits to the department a signed statement from the applicant that authorizes the agency to obtain the information.

(d) Criminal history record information obtained by an agency of the United States armed forces under Subsection (b) may not be released to any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) An agency of the United States armed forces shall destroy criminal history record information obtained under Subsection (b) after the purpose for which the information was obtained is accomplished.

Added by Acts 2013, 83rd Leg., R.S., Ch. 871 (H.B. 694), Sec. 3, eff. June 14, 2013.

Sec. 411.14101. ACCESS TO CRIMINAL HISTORY RECORD

INFORMATION: STATE OFFICE OF ADMINISTRATIVE HEARINGS. (a) In this section, "office" means the State Office of Administrative Hearings.

(b) The office is entitled to obtain criminal history record information as provided by Subsection (c) that relates to a person who is:

(1) an employee of, or an applicant for employment with, the office; or

(2) a contractor, subcontractor, volunteer, or intern of the office, or an applicant to serve in one of those capacities.

(c) Subject to Section 411.087 and consistent with the public policy of this state, the office is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (b); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (b).

(d) The office may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (c)(1). Criminal history record information obtained by the office under Subsection (c)(2) may not be released or disclosed to any person except by court order or with the written consent of the person who is the subject of the criminal history record information.

(e) The office shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 64, eff. June 13, 2023.

Sec. 411.14102. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF ARCHITECTURAL EXAMINERS. (a) The Texas Board of Architectural Examiners is entitled to obtain criminal history record information as provided by Subsection (b) that relates to:

(1) a person who is:

(A) an applicant for an architectural registration under Chapter 1051, Occupations Code; or

(B) the holder of an architectural registration under that chapter;

(2) a person who is:

(A) an applicant for a landscape architectural registration under Chapter 1052, Occupations Code; or

(B) the holder of a landscape architectural registration under that chapter; or

(3) a person who is:

(A) an applicant for an interior design registration under Chapter 1053, Occupations Code; or

(B) the holder of an interior design registration under that chapter.

(b) Subject to Section 411.087 of this code and Section 1051.3041, Occupations Code, and consistent with the public policy of this state, the Texas Board of Architectural Examiners is entitled to:

(1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to a person described by Subsection (a); and

(2) obtain from the department or any other criminal justice agency in this state criminal history record information maintained by the department or that criminal justice agency that relates to a person described by Subsection (a).

(c) The Texas Board of Architectural Examiners may not release or disclose to any person criminal history record information obtained from the Federal Bureau of Investigation under Subsection (b)(1). Criminal history record information obtained by the Texas Board of Architectural Examiners under Subsection (b)(2) may not be released or disclosed to any person except on court order or as provided by Subsection (d).

(d) The Texas Board of Architectural Examiners is not prohibited from disclosing criminal history record information obtained under Subsection (b)(2) in a criminal proceeding or in a hearing conducted by the Texas Board of Architectural Examiners or

the State Office of Administrative Hearings.

(e) The Texas Board of Architectural Examiners shall destroy criminal history record information that is obtained under this section after the information is used for its authorized purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 871 (H.B. 4123), Sec. 65, eff. June 13, 2023.

SUBCHAPTER G. DNA DATABASE SYSTEM

Sec. 411.141. DEFINITIONS. In this subchapter:

(1) "Authorized law enforcement agency" means a law enforcement agency that is authorized by the director to perform rapid DNA analyses under Section 411.146(c-1).

(1-a) "CODIS" means the FBI's Combined DNA Index System. The term includes the national DNA index system sponsored by the FBI.

(2) "Conviction" includes conviction by a jury or a court, a guilty plea, a plea of nolo contendere, or a finding of not guilty by reason of insanity.

(3) "Criminal justice agency" means:

(A) a federal or state agency that is engaged in the administration of criminal justice under a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice;

(B) a secure correctional facility as defined by Section 1.07, Penal Code; or

(C) a community supervision and corrections department, a parole office, or a local juvenile probation department or parole office.

(4) "DNA" means deoxyribonucleic acid.

(5) "DNA database" means one or more databases that contain forensic DNA records maintained by the director.

(6) "DNA laboratory" means a laboratory that performs forensic DNA analysis on samples or specimens derived from a human body, physical evidence, or a crime scene. The term includes a department crime laboratory facility that conducts forensic DNA

analysis.

(7) "DNA record" means the results of a forensic DNA analysis performed by a DNA laboratory or the results of a rapid DNA analysis performed by an authorized law enforcement agency under this subchapter. The term includes a DNA profile and related records, which may include a code or other identifying number referenced to a separate database to locate:

(A) the originating entity; and

(B) if known, the name and other personally identifying information concerning the individual who is the subject of the analysis.

(8) "DNA sample" means a blood sample or other biological sample or specimen provided by an individual under this subchapter or submitted to the director under this subchapter for DNA analysis or storage.

(8-a) "Elimination sample" means a blood sample or other biological sample or specimen voluntarily provided by the victim of an offense or another individual not involved in the alleged offense whose DNA is likely to be present at the scene of the crime to isolate and identify the DNA of a potential perpetrator.

(9) "FBI" means the Federal Bureau of Investigation.

(10) "Forensic analysis" has the meaning assigned by Article 38.35, Code of Criminal Procedure.

(11) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(11-a) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state that is authorized by law to employ peace officers.

(12) "Penal institution" has the meaning assigned by Section 1.07, Penal Code.

(13) "Rapid DNA analysis" means the fully automated processing of a known reference or forensic sample to provide a DNA record that is eligible for comparison in the CODIS database in not more than 24 hours.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 4, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1209 (S.B. 727), Sec. 9, eff. September 1, 2009.

Acts 2023, 88th Leg., R.S., Ch. 742 (H.B. 3506), Sec. 3, eff. September 1, 2023.

Acts 2025, 89th Leg., R.S., Ch. 853 (S.B. 1723), Sec. 1, eff. June 20, 2025.

Sec. 411.142. DNA DATABASE. (a) The director shall record DNA data and establish and maintain a computerized database that serves as the central depository in the state for DNA records.

(b) The director may maintain the DNA database in the department's crime laboratory in Austin or another suitable location.

(c) The director may receive, analyze, store, and destroy a DNA record or DNA sample for the purposes described by Section 411.143. If a DNA sample was collected solely for the purpose of creating a DNA record, the director may destroy the sample after any test results associated with the sample are entered into the DNA database and the CODIS database.

(d) The DNA database must be capable of classifying, matching, and storing the results of analyses of DNA.

(e) The director, with advice from the Department of Information Resources, shall develop biennial plans to:

(1) improve the reporting and accuracy of the DNA database; and

(2) develop and maintain a monitoring system capable of identifying inaccurate or incomplete information.

(f) The DNA database must be compatible with the national DNA identification index system (CODIS) used by the FBI to the extent required by the FBI to permit the useful exchange and storage of DNA records or information derived from those records.

(g) The DNA database may contain DNA records for the following:

(1) an individual described by this subchapter, including Section 411.1471, 411.148, or 411.154;

(2) a biological specimen that is legally obtained in the investigation of a crime, regardless of origin;

(3) results of testing ordered by a court under this subchapter, Article 64.03, Code of Criminal Procedure, or other law permitting or requiring the creation of a DNA record;

(4) an unidentified missing person, or unidentified skeletal remains or body parts;

(5) a close biological relative of a person who has been reported missing to a law enforcement agency;

(6) a person at risk of becoming lost, such as a child or a person declared by a court to be mentally incapacitated, if the record is required by court order or a parent, conservator, or guardian of the person consents to the record; or

(7) an unidentified person, if the record does not contain personal identifying information.

(h) The director shall establish standards for DNA analysis by a DNA laboratory and standards for rapid DNA analysis by an authorized law enforcement agency that meet or exceed the current standards for quality assurance and proficiency testing for forensic DNA analysis issued by the FBI. The DNA database may contain only DNA records of DNA analyses performed according to the standards adopted by the director.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 2, Sec. 4, eff. April 5, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 5, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 760 (H.B. 3295), Sec. 1, eff. June 15, 2007.

Acts 2015, 84th Leg., R.S., Ch. 221 (H.B. 941), Sec. 3, eff. September 1, 2015.

Acts 2023, 88th Leg., R.S., Ch. 742 (H.B. 3506), Sec. 4, eff. September 1, 2023.

Acts 2025, 89th Leg., R.S., Ch. 853 (S.B. 1723), Sec. 2, eff. June 20, 2025.

Sec. 411.1425. GRANT FUNDS. The director shall apply for

any available federal grant funds applicable to the creation and storage of DNA records of persons arrested for certain offenses. Added by Acts 2019, 86th Leg., R.S., Ch. 1285 (H.B. 1399), Sec. 4, eff. September 1, 2019.

Sec. 411.143. PURPOSES. (a) The principal purpose of the DNA database is to assist a federal, state, or local criminal justice agency in the investigation or prosecution of sex-related offenses or other offenses in which biological evidence is recovered.

(b) In criminal cases, the purposes of the DNA database are only for use in the investigation of an offense, the exclusion or identification of suspects or offenders, and the prosecution or defense of the case.

(c) Other purposes of the database include:

(1) assisting in the recovery or identification of human remains from a disaster or for humanitarian purposes;

(2) assisting in the identification of living or deceased missing persons;

(3) if personal identifying information is removed:

(A) establishing a population statistics database; and

(B) assisting in identification research, forensic validation studies, or forensic protocol development; and

(4) retesting to validate or update the original analysis or assisting in quality control with respect to the database or with respect to the laboratories or agencies performing forensic DNA analyses.

(d) The information contained in the DNA database may not be collected, analyzed, or stored to obtain information about human physical traits or predisposition for disease unless the purpose for obtaining the information is related to a purpose described by this section.

(e) The director may not store a name or other personal identifying information in the CODIS database unless approved by the FBI. A file or reference number to another information system may be included in the CODIS database only if the director

determines the information is necessary to:

(1) generate an investigative lead or exclusion;

(2) support the statistical interpretation of a test result; or

(3) allow for the successful implementation of the DNA database.

(f) Except as provided by this subchapter, the DNA database may only include criminal history record information approved by the FBI.

(g) A party contracting to carry out a function of another entity under this subchapter shall comply with:

(1) a requirement imposed by this subchapter on the other entity, unless the party or other entity is exempted by the director; and

(2) any additional requirement imposed by the director on the party.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 6, eff. September 1, 2005.

Acts 2025, 89th Leg., R.S., Ch. 853 (S.B. 1723), Sec. 3, eff. June 20, 2025.

Sec. 411.1431. INCLUSION OF ELIMINATION SAMPLE IN DNA DATABASE PROHIBITED. Notwithstanding Section 411.142(g), a DNA record created from an elimination sample and all information derived from that record may not be uploaded to, stored in, or capable of being searched for in the DNA database.

Added by Acts 2023, 88th Leg., R.S., Ch. 742 (H.B. 3506), Sec. 5, eff. September 1, 2023.

Sec. 411.144. REGULATION OF DNA LABORATORIES; PENALTIES. (a) The director by rule shall establish procedures for a DNA laboratory or criminal justice agency, including an authorized law enforcement agency, in the collection, preservation, shipment, analysis, and use of a DNA sample for forensic DNA analysis, including rapid DNA analysis, in a manner that permits the exchange

of DNA evidence between DNA laboratories and criminal justice agencies and the use of the evidence in a criminal case.

(b) A DNA laboratory or criminal justice agency, including an authorized law enforcement agency, shall follow the procedures:

(1) established by the director under this section; and

(2) specified by the FBI, including use of comparable test procedures, laboratory equipment, supplies, and computer software.

(c) The director may at any reasonable time enter and inspect the premises or audit the records, reports, procedures, or other quality assurance matters of:

(1) any DNA laboratory that:

(A) provides DNA records to the director under this subchapter; or

(B) conducts forensic analysis; and

(2) any authorized law enforcement agency.

(d) A DNA laboratory conducting a forensic DNA analysis under this subchapter or an authorized law enforcement agency performing a rapid DNA analysis under this subchapter shall:

(1) forward the DNA record of the analysis to the director at the department's crime laboratory or another location as required by the director; and

(2) comply with this subchapter and rules adopted under this subchapter.

(e) The director is the Texas liaison for DNA data, records, evidence, and other related matters between:

(1) the FBI; and

(2) a DNA laboratory or a criminal justice agency, including an authorized law enforcement agency.

(f) The director may:

(1) conduct DNA analyses;

(2) contract with a laboratory, state agency, private entity, or institution of higher education for services to perform DNA analyses for the director; or

(3) authorize a law enforcement agency to perform rapid DNA analyses under Section 411.146(c-1).

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.
Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 7, eff. September 1, 2005.

Acts 2025, 89th Leg., R.S., Ch. 853 (S.B. 1723), Sec. 4, eff. June 20, 2025.

Sec. 411.145. FEES. (a) The director may collect a reasonable fee under this subchapter for:

(1) the DNA analysis of a DNA sample submitted voluntarily to the director; or

(2) providing population statistics data or other appropriate research data.

(b) If the director provides a copy of an audit or other report made under this subchapter, the director may charge $6 for the copy, in addition to any other cost permitted under Chapter 552 or a rule adopted under that chapter.

(c) A fee collected under this section shall be deposited in the state treasury to the credit of the state highway fund, and money deposited to the state highway fund under this section and under Chapter 42A, Code of Criminal Procedure, may be used only to defray the cost of administering this subchapter.
Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.
Amended by Acts 2001, 77th Leg., ch. 1490, Sec. 1, eff. Sept. 1, 2001.
Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 8, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 770 (H.B. 2299), Sec. 2.41, eff. January 1, 2017.

Acts 2015, 84th Leg., R.S., Ch. 1276 (S.B. 1287), Sec. 12, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 4.32, eff. January 1, 2020.

Sec. 411.146. DNA SAMPLES. (a) The director may not accept a DNA record or DNA sample collected from an individual who at the

time of collection is alive, unless the director reasonably believes the sample was submitted voluntarily or as required by this subchapter and is:

(1) a blood sample collected in a medically approved manner by:

(A) a physician, registered nurse, licensed vocational nurse, licensed clinical laboratory technologist; or

(B) an individual who is trained to properly collect blood samples under this subchapter; or

(2) a specimen other than a blood sample collected:

(A) in a manner approved by the director by rule adopted under this section; and

(B) by an individual who is trained to properly collect the specimen under this subchapter.

(b) The director shall provide at no cost to a person collecting a DNA sample as described by Subsection (a) the collection kits, labels, report forms, instructions, and training for collection of DNA samples under this section.

(c)(1) The director shall adopt rules regarding the collection, preservation, shipment, and analysis of a DNA database sample under this subchapter, including the type of sample or specimen taken.

(2) A criminal justice agency permitted or required to collect a DNA sample for forensic DNA analysis, including rapid DNA analysis, under this subchapter:

(A) may collect the sample or contract with a phlebotomist, laboratory, state agency, private entity, or institution of higher education for services to collect the sample at the time determined by the agency; and

(B) shall:

(i) preserve each sample collected until it is forwarded to the director under Subsection (d); and

(ii) maintain a record of the collection of the sample.

(c-1) Subject to the other requirements prescribed by this subchapter and rules adopted under this subchapter, a law enforcement agency may perform a rapid DNA analysis under this

subchapter if:

(1) the agency requests the director's approval to use a system capable of performing a rapid DNA analysis; and

(2) the director authorizes the agency to use the system described by Subdivision (1) to perform rapid DNA analyses.

(d) A criminal justice agency that collects a DNA sample under this section shall send the sample to:

(1) the director at the department's crime laboratory; or

(2) another location as required by the director by rule.

(e) A DNA laboratory or an authorized law enforcement agency may analyze a DNA sample collected under this section only:

(1) to type the genetic markers contained in the sample;

(2) for criminal justice or law enforcement purposes; or

(3) for other purposes described by this subchapter.

(f) If possible, a second DNA sample must be collected from an individual in a criminal investigation if forensic DNA evidence is necessary for use as substantive evidence in the investigation, prosecution, or defense of a case.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 9, eff. September 1, 2005.

Acts 2025, 89th Leg., R.S., Ch. 853 (S.B. 1723), Sec. 5, eff. June 20, 2025.

For expiration of this section, see Subsection (i).

Sec. 411.1465. RAPID DNA ANALYSIS PILOT PROGRAM. (a) In this section, "rapid DNA analysis" means the fully automated processing of a reference buccal swab sample to provide a DNA record that is eligible for comparison in the CODIS database in not more than 2 hours without submitting the sample to a crime laboratory.

(b) The department shall establish a pilot program to optimize the process of reporting DNA records and decrease the

number of arrests for which a DNA sample is not collected and analyzed by assisting law enforcement agencies in implementing rapid DNA analysis of DNA samples collected under Section 411.1471(b).

(c) Not later than September 1, 2025, the department shall begin updating information technology systems as necessary to support the pilot program.

(d) Not later than September 1, 2026, the department shall begin implementing the pilot program in two counties as determined by the department. The department may expand the pilot program to additional counties.

(e) The department and each law enforcement agency participating in the pilot program may consult with the Federal Bureau of Investigation regarding rapid DNA analysis implementation and best practices.

(f) Not later than January 1, 2028, the department shall review the pilot program established under this section and submit a written report to the legislature on the pilot program and any recommendations regarding the continuation or expansion of the program.

(g) The department may solicit and accept gifts, grants, and donations from any public or private source to fund the pilot program.

(h) The department may adopt rules as necessary to implement this section.

(i) This section expires September 1, 2028.

Added by Acts 2025, 89th Leg., R.S., Ch. 853 (S.B. 1723), Sec. 6, eff. June 20, 2025.

Sec. 411.147. ACCESS TO DNA DATABASE INFORMATION. (a) The director by rule shall establish procedures:

(1) to prevent unauthorized access to the DNA database; and

(2) to release from the DNA database a DNA sample, analysis, record, or other information maintained under this subchapter.

(b) The director may adopt rules relating to the internal

disclosure, access, or use of a sample or DNA record in a DNA laboratory or authorized law enforcement agency.

(c) The director may release a DNA sample, analysis, or record only:

(1) to a criminal justice agency for criminal justice or law enforcement identification purposes;

(2) for a judicial proceeding, if otherwise admissible under law;

(3) for criminal defense purposes to a defendant, if related to the case in which the defendant is charged or released from custody under Article 17.47, Code of Criminal Procedure, or other court order; or

(4) for another purpose:

(A) described in Section 411.143; or

(B) required under federal law as a condition for obtaining federal funding.

(d) The director may release a record of the number of requests made for a defendant's individual DNA record and the name of the requesting person.

(e) A criminal justice agency may have access to a DNA sample for a law enforcement purpose through:

(1) the agency's laboratory;

(2) a laboratory used by the agency; or

(3) an authorized law enforcement agency.

(f) The director shall maintain a record of requests made under this section.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 10, eff. September 1, 2005.

Acts 2025, 89th Leg., R.S., Ch. 853 (S.B. 1723), Sec. 7, eff. June 20, 2025.

Sec. 411.1471. DNA RECORDS OF PERSONS ARRESTED FOR OR CONVICTED OF CERTAIN OFFENSES.

(a) This section applies to a defendant who is:

(1) arrested for any offense punishable as a felony;

or

(2) convicted of an offense:

(A) under Title 5, Penal Code, that is punishable as a Class A misdemeanor, except for an offense punishable as a Class A misdemeanor under Section 22.05, Penal Code; or

(B) punishable as a Class A or B misdemeanor, as applicable, under Section 21.08, 25.04, or 43.24, Penal Code.

(b) A law enforcement agency booking a defendant described by Subsection (a)(1), immediately after fingerprinting the defendant and at the same location as the fingerprinting occurs, shall require the defendant to provide one or more specimens for the purpose of creating a DNA record.

(b-1) After a defendant described by Subsection (a)(2) is convicted, the court shall require the defendant to provide to a law enforcement agency one or more specimens for the purpose of creating a DNA record.

(c) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1285 (H.B. 1399), Sec. 7, eff. September 1, 2019.

(d) The director by rule shall require law enforcement agencies taking a specimen under this section to preserve the specimen and maintain a record of the collection of the specimen. A law enforcement agency taking a specimen under this section may use any method to take the specimen approved by the director in the rule adopted under this subsection. The rule adopted by the director must prohibit a law enforcement agency from taking a blood sample for the purpose of creating a DNA record under this section. The agency may:

(1) send the specimen to the director;

(2) send to the director an analysis of the sample performed at a laboratory chosen by the agency and approved by the director; or

(3) send to the director a rapid DNA analysis of the sample if the director has authorized the agency to perform the analysis.

(e) As soon as practicable after the acquittal of a defendant described by Subsection (a)(1) or dismissal of the case against the defendant, or after a defendant has been granted relief

in accordance with a writ of habeas corpus that is based on a court finding or determination that the defendant is actually innocent of a crime for which the defendant was sentenced, the court shall provide notice of the acquittal, dismissal, or grant of relief to the law enforcement agency that took the specimen and the department and shall request that the director expunge the defendant's DNA record from the DNA database under Section 411.151. On receipt of the notice, the law enforcement agency shall immediately destroy the record of the collection of the specimen, and the department shall destroy the specimen and the record of its receipt. The court shall promptly notify the defendant and the defendant's attorney after the notices required by this subsection have been provided.

(f) A defendant who provides a DNA sample under this section is not required to provide a DNA sample under Section 411.148 of this code or under Article 42A.352, Code of Criminal Procedure, unless the attorney representing the state in the prosecution of the felony offense that makes Section 411.148 or Article 42A.352 applicable to the defendant establishes to the satisfaction of the director that the interests of justice or public safety require that the defendant provide additional samples.

Added by Acts 2001, 77th Leg., ch. 1490, Sec. 2, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 760 (H.B. 3295), Sec. 2, eff. June 15, 2007.

Acts 2011, 82nd Leg., R.S., Ch. 122 (H.B. 3000), Sec. 7, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 221 (H.B. 941), Sec. 5, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 23.007, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 326 (H.B. 238), Sec. 1, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 223 (H.B. 979), Sec. 1, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1285 (H.B. 1399), Sec. 5, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1285 (H.B. 1399), Sec. 6, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1285 (H.B. 1399), Sec. 7, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 807 (H.B. 1540), Sec. 43, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 543 (H.B. 3956), Sec. 3, eff. September 1, 2023.

Acts 2025, 89th Leg., R.S., Ch. 853 (S.B. 1723), Sec. 8, eff. June 20, 2025.

Sec. 411.1473. DNA RECORDS OF CERTAIN REGISTERED SEX OFFENDERS AND TERRORIST OFFENDERS. (a) This section applies only to a person who is required to register under Chapter 62 or 65, Code of Criminal Procedure.

(b) The department by rule shall require a law enforcement agency serving as a person's primary registration authority under Chapter 62 or 65, Code of Criminal Procedure, to:

(1) take one or more specimens from a person described by Subsection (a) for the purpose of creating a DNA record; and

(2) preserve the specimen and maintain a record of the collection of the specimen.

(c) A law enforcement agency taking a specimen under this section may:

(1) send the specimen to the director;

(2) send to the director an analysis of the specimen performed by a laboratory chosen by the agency and approved by the director; or

(3) send to the director a rapid DNA analysis of the specimen if the director has authorized the agency to perform the analysis.

(d) A law enforcement agency is not required to take and a person is not required to provide a specimen under this section if the person is required to and has provided a specimen under this chapter or other law.

Added by Acts 2005, 79th Leg., Ch. 1008 (H.B. 867), Sec. 1.05, eff. September 1, 2005.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 935 (S.B. 1518), Sec. 2, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 935 (S.B. 1518), Sec. 3, eff. September 1, 2023.

Acts 2025, 89th Leg., R.S., Ch. 853 (S.B. 1723), Sec. 9, eff. June 20, 2025.

Sec. 411.148. MANDATORY DNA RECORD. (a) This section applies to:

(1) an individual, other than a juvenile, who is:

(A) ordered by a magistrate or court to provide a DNA sample under Section 411.154 or other law, including as part of an order granting community supervision to the individual; or

(B) confined in a penal institution operated by or under contract with the Texas Department of Criminal Justice; or

(2) a juvenile who, following an adjudication for conduct constituting a felony, is:

(A) confined in a facility operated by or under contract with the Texas Juvenile Justice Department; or

(B) placed on probation, if the conduct constitutes a felony described by Section 54.0409, Family Code.

(b) An individual described by Subsection (a) shall provide one or more DNA samples for the purpose of creating a DNA record.

(c) A criminal justice agency shall collect a sample ordered by a magistrate or court in compliance with the order.

(d) If an individual described by Subsection (a)(1)(B) is received into custody by the Texas Department of Criminal Justice, that department shall collect the sample from the individual during the diagnostic process or at another time determined by the Texas Department of Criminal Justice. If an individual described by Subsection (a)(2)(A) is received into custody by the Texas Juvenile Justice Department, that department shall collect the sample from the individual during the initial examination or at another time it determines. If an individual who is required under this section or other law to provide a DNA sample is in the custody or under the supervision of another criminal justice agency, such as a community

supervision and corrections department, a parole office, or a local juvenile probation department or parole office, that agency shall collect the sample from the individual at a time determined by the agency.

(e) Repealed by Acts 2009, 81st Leg., R.S., Ch. 1209, Sec. 11, eff. September 1, 2009.

(f) The Texas Department of Criminal Justice shall notify the director that an individual described by Subsection (a)(1)(B) is to be released from custody not earlier than the 120th day before the individual's statutory release date and not later than the 90th day before the individual's statutory release date. An individual described by Subsection (a)(1)(B) may not be held past the individual's statutory release date if the individual fails or refuses to provide a DNA sample under this section. The Texas Department of Criminal Justice may take lawful administrative action, including disciplinary action resulting in the loss of good conduct time, against an individual described by Subsection (a)(1)(B) who refuses to provide a sample under this section. In this subsection, "statutory release date" means the date on which an individual is discharged from the individual's controlling sentence.

(f-1) The Texas Juvenile Justice Department shall notify the director that an individual described by Subsection (a)(2)(A) is to be released from custody not earlier than the 120th day before the individual's release date.

(f-2) The Texas Department of Criminal Justice and the Texas Juvenile Justice Department, in consultation with the director, shall determine the form of the notification described by Subsections (f) and (f-1).

(g) A medical staff employee of a criminal justice agency may collect a voluntary sample from an individual at any time.

(h) An employee of a criminal justice agency may use force against an individual required to provide a DNA sample under this section when and to the degree the employee reasonably believes the force is immediately necessary to collect the sample.

(i)(1) The Texas Department of Criminal Justice as soon as practicable shall cause a sample to be collected from an individual

described by Subsection (a)(1)(B) if:

(A) the individual is confined in another penal institution after sentencing and before admission to the department; and

(B) the department determines that the individual is likely to be released before being admitted to the department.

(2) The administrator of the other penal institution shall cooperate with the Texas Department of Criminal Justice as necessary to allow the Texas Department of Criminal Justice to perform its duties under this subsection.

(j)(1) The Texas Juvenile Justice Department as soon as practicable shall cause a sample to be collected from an individual described by Subsection (a)(2)(A) if:

(A) the individual is detained in another juvenile detention facility after adjudication and before admission to the Texas Juvenile Justice Department; and

(B) the Texas Juvenile Justice Department determines the individual is likely to be released before being admitted to that department.

(2) The administrator of the other juvenile detention facility shall cooperate with the Texas Juvenile Justice Department as necessary to allow that department to perform its duties under this subsection.

(k) When a criminal justice agency of this state agrees to accept custody or supervision of an individual from another state or jurisdiction under an interstate compact or a reciprocal agreement with a local, county, state, or federal agency, the criminal justice agency that agrees to accept custody or supervision of the individual shall collect a DNA sample under this subchapter if the individual was convicted of or adjudicated as having engaged in conduct constituting a felony and is otherwise required to provide a DNA sample under this section.

(l) If, in consultation with the director, it is determined that an acceptable sample has already been received from an individual, additional samples are not required unless requested by the director.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1063, Sec. 1, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1368, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1509, Sec. 1, 2.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 1999, 76th Leg., ch. 1063, Sec. 1, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1368, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 211, Sec. 14, eff. Sept. 1, 2001.

Reenacted and amended by Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 11, eff. September 1, 2005.

Reenacted and amended by Acts 2005, 79th Leg., Ch. 1245 (H.B. 1681), Sec. 1, eff. September 1, 2005.

Reenacted and amended by Acts 2007, 80th Leg., R.S., Ch. 760 (H.B. 3295), Sec. 3, eff. June 15, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1209 (S.B. 727), Sec. 10, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1209 (S.B. 727), Sec. 11, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 734 (H.B. 1549), Sec. 94, eff. September 1, 2015.

Sec. 411.149. VOLUNTARY DNA RECORD. An individual, including an individual required to provide a DNA sample under this subchapter, may at any time voluntarily provide or cause to be provided to a criminal justice agency a sample to be forwarded to the director for the purpose of creating a DNA record under this subchapter.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 12, eff. September 1, 2005.

Sec. 411.151. EXPUNCTION OR REMOVAL OF DNA RECORDS. (a) The director shall expunge a DNA record of an individual from a DNA database if:

(1) the director receives:

(A) an order of expunction under Subchapter E or F, Chapter 55A, Code of Criminal Procedure; or

(B) a request from a court under Section 411.1471(e); or

(2) the person provides the director with a certified copy of a court order issued under Subchapter C-1, Chapter 58, Family Code, that seals the juvenile record of the adjudication that resulted in the DNA record.

(b) Repealed by Acts 2023, 88th Leg., R.S., Ch. 543 (H.B. 3956), Sec. 5, eff. September 1, 2023.

(c) This section does not require the director to expunge a record or destroy a sample if the director determines that the individual is otherwise required to submit a DNA sample under this subchapter.

(d) The director by rule may permit administrative removal of a record, sample, or other information erroneously included in a database.

(e) The department's failure to expunge a DNA record as required by this section may not serve as the sole grounds for a court in a criminal proceeding to exclude evidence based on or derived from the contents of that record.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2003, 78th Leg., ch. 283, Sec. 44, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 13, eff. September 1, 2005.

Acts 2011, 82nd Leg., R.S., Ch. 1105 (S.B. 1636), Sec. 1, eff. September 1, 2011.

Acts 2017, 85th Leg., R.S., Ch. 746 (S.B. 1304), Sec. 20, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 543 (H.B. 3956), Sec. 4, eff. September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 543 (H.B. 3956), Sec. 5, eff. September 1, 2023.

Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 8.013, eff. September 1, 2025.

Sec. 411.152. RULES. (a) The director may adopt rules permitted by this subchapter that are necessary to administer or enforce this subchapter but shall adopt a rule expressly required by this subchapter.

(b) The director by rule may release or permit access to information to confirm or deny whether an individual has a preexisting record under this subchapter. After receiving a request regarding an individual whose DNA record has been expunged or removed under Section 411.151, the director shall deny the preexisting record.

(c) The director by rule may exempt:

(1) a laboratory conducting non-human forensic DNA analysis from a rule adopted under this subchapter; and

(2) certain categories of individuals from a requirement to provide an additional sample after an acceptable DNA record exists for the individual.

(d) The director by rule may determine whether a DNA sample complies with a collection provision of this subchapter.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 14, eff. September 1, 2005.

Sec. 411.153. CONFIDENTIALITY OF DNA RECORDS. (a) A DNA record stored in the DNA database is confidential and is not subject to disclosure under the public information law, Chapter 552.

(b) A person commits an offense if the person knowingly discloses to an unauthorized recipient information in a DNA record or information related to a DNA analysis of a sample collected under this subchapter.

(c) An offense under this section is a state jail felony.

(d) A violation under this section constitutes official misconduct.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.

Amended by Acts 2001, 77th Leg., ch. 1490, Sec. 3, eff. Sept. 1, 2001.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1490, Sec. 3, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1509, Sec. 3.

Reenacted and amended by Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 15, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 760 (H.B. 3295), Sec. 4, eff. June 15, 2007.

Sec. 411.154. ENFORCEMENT BY COURT ORDER. (a) On the request of the director, a district or county attorney or the attorney general may petition a district court for an order requiring a person to:

(1) comply with this subchapter or a rule adopted under this subchapter; or

(2) refrain from acting in violation of this subchapter or a rule adopted under this subchapter.

(b) The court may issue an order requiring a person:

(1) to act in compliance with this subchapter or a rule adopted under this subchapter;

(2) to refrain from acting in violation of this subchapter or a rule adopted under this subchapter;

(3) to provide a DNA sample; or

(4) if the person has already provided a DNA sample, to provide another sample if good cause is shown.

(c) An order issued under this section is appealable as a criminal matter and if appealed is to be reviewed under an abuse of discretion standard.

Added by Acts 1995, 74th Leg., ch. 595, Sec. 1, eff. Sept. 1, 1995.

Amended by:

Acts 2005, 79th Leg., Ch. 1224 (H.B. 1068), Sec. 16, eff. September 1, 2005.

SUBCHAPTER G-1. CRIME LABORATORY PORTAL

Sec. 411.161. DEFINITIONS. In this subchapter, "crime laboratory," "criminal action," and "forensic analysis" have the

meanings assigned by Article 38.35, Code of Criminal Procedure.
Added by Acts 2023, 88th Leg., R.S., Ch. 1149 (S.B. 991), Sec. 2, eff. September 1, 2023.

Sec. 411.162. CRIME LABORATORY PORTAL. The department by rule shall establish and maintain a central computerized portal that facilitates the process for requesting crime laboratory records and for transferring those records among crime laboratories, attorneys representing the state, and parties authorized to access the records as a part of discovery under Article 39.14, Code of Criminal Procedure. The portal may not be used as a central repository for crime laboratory records.
Added by Acts 2023, 88th Leg., R.S., Ch. 1149 (S.B. 991), Sec. 2, eff. September 1, 2023.

Sec. 411.163. MANDATORY CRIME LABORATORY PARTICIPATION; DISCIPLINARY ACTION. (a) A crime laboratory that performs a forensic analysis for use in a criminal action shall participate, in accordance with department rule, in the transfer of crime laboratory records using the crime laboratory portal established under Section 411.162. The department by rule may exempt a crime laboratory from the requirements of this subsection if the department determines that the crime laboratory:

(1) is located outside of this state; and

(2) performs an insufficient number of forensic analyses in criminal actions in this state to warrant participation in the crime laboratory portal.

(b) A crime laboratory that violates Subsection (a) is subject to disciplinary action by the Texas Forensic Science Commission in the same manner as if the laboratory had otherwise violated accreditation standards under Article 38.01, Code of Criminal Procedure.
Added by Acts 2023, 88th Leg., R.S., Ch. 1149 (S.B. 991), Sec. 2, eff. September 1, 2023.

Sec. 411.164. DEFENSE COUNSEL ACCESS TO CRIME LABORATORY PORTAL. In accordance with department rule, the attorney

representing the state in a criminal action shall designate the defendant's attorney as an individual who is authorized to access and use the crime laboratory portal under Section 411.162 to request any crime laboratory records that are subject to discovery under Article 39.14, Code of Criminal Procedure.

Added by Acts 2023, 88th Leg., R.S., Ch. 1149 (S.B. 991), Sec. 2, eff. September 1, 2023.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 822 (S.B. 1372), Sec. 1, eff. September 1, 2025.

SUBCHAPTER H. LICENSE TO CARRY A HANDGUN

Sec. 411.171. DEFINITIONS. In this subchapter:

(1) "Approved online course provider" means a person who is certified by the department to offer in an online format the classroom instruction part of the handgun proficiency course and to administer the associated written exam.

(2) "Chemically dependent person" means a person who frequently or repeatedly becomes intoxicated by excessive indulgence in alcohol or uses controlled substances or dangerous drugs so as to acquire a fixed habit and an involuntary tendency to become intoxicated or use those substances as often as the opportunity is presented.

(3) Repealed by Acts 2015, 84th Leg., R.S., Ch. 437 , Sec. 50, eff. January 1, 2016.

(4) "Convicted" means an adjudication of guilt or, except as provided in Section 411.1711, an order of deferred adjudication entered against a person by a court of competent jurisdiction whether or not the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A) expunged;

(B) pardoned under the authority of a state or federal official; or

(C) otherwise vacated, set aside, annulled,

invalidated, voided, or sealed under any state or federal law.

(4-a) "Federal judge" means:

(A) a judge of a United States court of appeals;

(B) a judge of a United States district court;

(C) a judge of a United States bankruptcy court; or

(D) a magistrate judge of a United States district court.

(4-b) "State judge" means:

(A) the judge of an appellate court, a district court, the business court, or a county court at law of this state;

(B) an associate judge appointed under Chapter 201, Family Code; or

(C) a justice of the peace.

(5) "Handgun" has the meaning assigned by Section 46.01, Penal Code.

(6) "Intoxicated" has the meaning assigned by Section 49.01, Penal Code.

(7) "Qualified handgun instructor" means a person who is certified to instruct in the use of handguns by the department.

(8) Repealed by Acts 1999, 76th Leg., ch. 62, Sec. 9.02(a), eff. Sept. 1, 1999.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.01(a), 9.02(a), eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1084 (H.B. 1831), Sec. 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 594 (H.B. 41), Sec. 8, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 6.06, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.02, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1259 (H.B. 559), Sec. 2, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1302 (H.B. 3142), Sec. 14(1),

eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 50, eff. January 1, 2016.

Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 1, eff. September 1, 2017.

Acts 2025, 89th Leg., R.S., Ch. 912 (H.B. 40), Sec. 68, eff. September 1, 2025.

Sec. 411.1711. CERTAIN EXEMPTIONS FROM CONVICTIONS. A person is not convicted, as that term is defined by Section 411.171, if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of the person's application for a license under this subchapter unless the order of deferred adjudication was entered against the person for:

(1) a felony offense under:

(A) Title 5, Penal Code;

(B) Chapter 29, Penal Code;

(C) Section 25.07 or 25.072, Penal Code; or

(D) Section 30.02, Penal Code, if the offense is punishable under Subsection (c)(2) or (d) of that section; or

(2) an offense under the laws of another state if the offense contains elements that are substantially similar to the elements of an offense listed in Subdivision (1).

Added by Acts 2005, 79th Leg., Ch. 1084 (H.B. 1831), Sec. 2, eff. September 1, 2005.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.01, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 96 (S.B. 743), Sec. 7, eff. September 1, 2013.

Sec. 411.172. ELIGIBILITY.

(a) A person is eligible for a license to carry a handgun if the person:

(1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);

(2) is at least 21 years of age;

(3) has not been convicted of a felony;

(4) is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor or equivalent offense;

(6) is not a chemically dependent person;

(7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;

(8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense or of an offense under Section 42.01, Penal Code, or equivalent offense;

(9) is fully qualified under applicable federal and state law to purchase a handgun;

(10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;

(12) is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting property interests;

(13) has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; and

(14) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174.

(b) For the purposes of this section, an offense under the laws of this state, another state, or the United States is:

(1) except as provided by Subsection (b-1), a felony

if the offense, at the time the offense is committed:

(A) is designated by a law of this state as a felony;

(B) contains all the elements of an offense designated by a law of this state as a felony; or

(C) is punishable by confinement for one year or more in a penitentiary; and

(2) a Class A misdemeanor if the offense is not a felony and confinement in a jail other than a state jail felony facility is affixed as a possible punishment.

(b-1) An offense is not considered a felony for purposes of Subsection (b) if, at the time of a person's application for a license to carry a handgun, the offense:

(1) is not designated by a law of this state as a felony; and

(2) does not contain all the elements of any offense designated by a law of this state as a felony.

(c) An individual who has been convicted two times within the 10-year period preceding the date on which the person applies for a license of an offense of the grade of Class B misdemeanor or greater that involves the use of alcohol or a controlled substance as a statutory element of the offense is a chemically dependent person for purposes of this section and is not qualified to receive a license under this subchapter. This subsection does not preclude the disqualification of an individual for being a chemically dependent person if other evidence exists to show that the person is a chemically dependent person.

(d) For purposes of Subsection (a)(7), a person is incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person:

(1) has been diagnosed by a licensed physician as suffering from a psychiatric disorder or condition that causes or is likely to cause substantial impairment in judgment, mood, perception, impulse control, or intellectual ability;

(2) suffers from a psychiatric disorder or condition described by Subdivision (1) that:

(A) is in remission but is reasonably likely to

redevelop at a future time; or

(B) requires continuous medical treatment to avoid redevelopment;

(3) has been diagnosed by a licensed physician, determined by a review board or similar authority, or declared by a court to be incompetent to manage the person's own affairs; or

(4) has entered in a criminal proceeding a plea of not guilty by reason of insanity.

(e) The following constitutes evidence that a person has a psychiatric disorder or condition described by Subsection (d)(1):

(1) involuntary psychiatric hospitalization;

(2) psychiatric hospitalization;

(3) inpatient or residential substance abuse treatment in the preceding five-year period;

(4) diagnosis in the preceding five-year period by a licensed physician that the person is dependent on alcohol, a controlled substance, or a similar substance; or

(5) diagnosis at any time by a licensed physician that the person suffers or has suffered from a psychiatric disorder or condition consisting of or relating to:

(A) schizophrenia or delusional disorder;

(B) bipolar disorder;

(C) chronic dementia, whether caused by illness, brain defect, or brain injury;

(D) dissociative identity disorder;

(E) intermittent explosive disorder; or

(F) antisocial personality disorder.

(f) Notwithstanding Subsection (d), a person who has previously been diagnosed as suffering from a psychiatric disorder or condition described by Subsection (d) or listed in Subsection (e) is not because of that disorder or condition incapable of exercising sound judgment with respect to the proper use and storage of a handgun if the person provides the department with a certificate from a licensed physician whose primary practice is in the field of psychiatry stating that the psychiatric disorder or condition is in remission and is not reasonably likely to develop at a future time.

(g) Notwithstanding Subsection (a)(2), a person who is at least 18 years of age but not yet 21 years of age is eligible for a license to carry a handgun if the person:

(1) is a member or veteran of the United States armed forces, including a member or veteran of the reserves or national guard;

(2) was discharged under honorable conditions, if discharged from the United States armed forces, reserves, or national guard; and

(3) meets the other eligibility requirements of Subsection (a) except for the minimum age required by federal law to purchase a handgun.

(h) The issuance of a license to carry a handgun to a person eligible under Subsection (g) does not affect the person's ability to purchase a handgun or ammunition under federal law.

(i) Notwithstanding Subsection (a)(2), a person who is at least 18 years of age but not yet 21 years of age is eligible for a license to carry a handgun if the person:

(1) is protected under:

(A) an active protective order issued under:

(i) Title 4, Family Code; or

(ii) Subchapter A, Chapter 7B, Code of Criminal Procedure; or

(B) an active magistrate's order for emergency protection under Article 17.292, Code of Criminal Procedure; and

(2) meets the other eligibility requirements of Subsection (a) except for the minimum age required by federal law to purchase a handgun.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.03(a), 9.04(a), eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 255, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 486 (H.B. 322), Sec. 1, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.03, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 17, eff. January 1, 2016.

Acts 2021, 87th Leg., R.S., Ch. 203 (H.B. 918), Sec. 1, eff. September 1, 2021.

Sec. 411.173. NONRESIDENT LICENSE. (a) The department by rule shall establish a procedure for a person who meets the eligibility requirements of this subchapter other than the residency requirement established by Section 411.172(a)(1) to obtain a license under this subchapter if the person is a legal resident of another state or if the person relocates to this state with the intent to establish residency in this state. The procedure must include payment of a fee in an amount sufficient to recover the average cost to the department of obtaining a criminal history record check and investigation on a nonresident applicant. A license issued in accordance with the procedure established under this subsection:

(1) remains in effect until the license expires under Section 411.183; and

(2) may be renewed under Section 411.185.

(a-1) Repealed by Acts 2005, 79th Leg., Ch. 915, Sec. 4, eff. September 1, 2005.

(b) A valid license to carry a handgun issued by any other state is recognized in this state. The governor shall negotiate with any other state an agreement that provides for the reciprocal recognition of a license to carry a handgun if the other state requires such an agreement before recognizing a license to carry a handgun issued by this state. The department shall publish on its Internet website and annually update a list of states in which a license to carry a handgun issued by this state is recognized.

(c) Repealed by Acts 2025, 89th Leg., R.S., Ch. 483 (S.B. 706), Sec. 2, eff. September 1, 2025.

(d) Repealed by Acts 2025, 89th Leg., R.S., Ch. 483 (S.B. 706), Sec. 2, eff. September 1, 2025.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.05(a), eff. Sept. 1, 1999; Acts 2003, 78th Leg., ch. 255, Sec. 2, eff. Sept. 1,

2003; Acts 2003, 78th Leg., ch. 752, Sec. 1, eff. Sept. 1, 2003.

Amended by:

Acts 2005, 79th Leg., Ch. 915 (H.B. 225), Sec. 1, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 915 (H.B. 225), Sec. 2, eff. September 1, 2005.

Acts 2005, 79th Leg., Ch. 915 (H.B. 225), Sec. 4, eff. September 1, 2005.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 18, eff. January 1, 2016.

Acts 2025, 89th Leg., R.S., Ch. 483 (S.B. 706), Sec. 1, eff. September 1, 2025.

Acts 2025, 89th Leg., R.S., Ch. 483 (S.B. 706), Sec. 2, eff. September 1, 2025.

Sec. 411.1735. PROTECTIVE ORDER DESIGNATION. (a) Notwithstanding any other provision of this subchapter, a person who establishes eligibility for a license to carry a handgun under Section 411.172(i) may only hold a license under this subchapter that bears a protective order designation on the face of the license.

(b) A person described by this section must submit a copy of the applicable court order described by Section 411.172(i)(1) with the application materials described by Section 411.174. The person's application is not considered complete for purposes of this subchapter unless the application includes the documentation and materials required by this section.

(c) Notwithstanding Section 411.183, a license that bears a protective order designation under this section expires on the earlier of:

(1) the date on which the applicable court order described by Section 411.172(i)(1) is rescinded or expires; or

(2) the 22nd birthday of the license holder.

(d) A holder of a license with a protective order designation under this section who becomes 21 years of age may apply for a license under this subchapter that does not bear the designation by using the renewal procedure under Section 411.185,

regardless of whether the license that bears the designation has expired or is about to expire.

(e) The director shall adopt rules establishing a process by which the department periodically verifies a license holder's eligibility for a license to carry a handgun under Section 411.172(i) if the license holder's license bears a protective order designation under this section. The rules may specify different intervals at which the department must verify the license holder's eligibility based on the court order used to satisfy the eligibility requirement described by Section 411.172(i)(1).

Added by Acts 2021, 87th Leg., R.S., Ch. 203 (H.B. 918), Sec. 2, eff. September 1, 2021.

Sec. 411.174. APPLICATION. (a) An applicant for a license to carry a handgun must submit to the director's designee described by Section 411.176:

(1) a completed application on a form provided by the department that requires only the information listed in Subsection (b);

(2) one or more photographs of the applicant that meet the requirements of the department;

(3) a certified copy of the applicant's birth certificate or certified proof of age;

(4) proof of residency in this state;

(5) two complete sets of legible and classifiable fingerprints of the applicant taken by a person appropriately trained in recording fingerprints who is employed by a law enforcement agency or by a private entity designated by a law enforcement agency as an entity qualified to take fingerprints of an applicant for a license under this subchapter;

(6) a nonrefundable application and license fee of $40 paid to the department;

(7) evidence of handgun proficiency, in the form and manner required by the department;

(8) an affidavit signed by the applicant stating that the applicant:

(A) has read and understands each provision of

this subchapter that creates an offense under the laws of this state and each provision of the laws of this state related to use of deadly force; and

(B) fulfills all the eligibility requirements listed under Section 411.172; and

(9) a form executed by the applicant that authorizes the director to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under Section 411.172(a).

(b) An applicant must provide on the application a statement of the applicant's:

(1) full name and place and date of birth;

(2) race and sex;

(3) residence and business addresses for the preceding five years;

(4) hair and eye color;

(5) height and weight;

(6) driver's license number or identification certificate number issued by the department;

(7) criminal history record information of the type maintained by the department under this chapter, including a list of offenses for which the applicant was arrested, charged, or under an information or indictment and the disposition of the offenses; and

(8) history, if any, of treatment received by, commitment to, or residence in:

(A) a drug or alcohol treatment center licensed to provide drug or alcohol treatment under the laws of this state or another state, but only if the treatment, commitment, or residence occurred during the preceding five years; or

(B) a psychiatric hospital.

(b-1) The application must provide space for the applicant to:

(1) list any military service that may qualify the applicant to receive a license with a veteran's designation under Section 411.179(e); and

(2) include proof required by the department to

determine the applicant's eligibility to receive that designation.

(c) The department shall distribute on request a copy of this subchapter and application materials.

(d) The department may not request or require an applicant to provide the applicant's social security number as part of an application under this section.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.06(a), eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 486 (H.B. 322), Sec. 2, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.04, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 396 (S.B. 164), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 665 (H.B. 1349), Sec. 2, eff. January 1, 2014.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 19, eff. January 1, 2016.

Acts 2017, 85th Leg., R.S., Ch. 179 (S.B. 16), Sec. 1, eff. September 1, 2017.

Sec. 411.1741. VOLUNTARY CONTRIBUTION TO FUND FOR VETERANS' ASSISTANCE. (a) When a person applies for an original or renewal license to carry a handgun under this subchapter, the person may make a voluntary contribution in any amount to the fund for veterans' assistance established by Section 434.017.

(b) The department shall:

(1) include space on the first page of each application for an original or renewal license to carry a handgun that allows a person applying for an original or renewal license to carry a handgun to indicate the amount that the person is voluntarily contributing to the fund; and

(2) provide an opportunity for the person to contribute to the fund during the application process for an original or renewal license to carry a handgun on the department's

Internet website.

(c) The department shall send any contribution made under this section to the comptroller for deposit in the state treasury to the credit of the fund for veterans' assistance not later than the 14th day of each month. Before sending the money to the fund, the department may deduct money equal to the amount of reasonable expenses for administering this section.

Added by Acts 2015, 84th Leg., R.S., Ch. 821 (H.B. 3710), Sec. 2, eff. September 1, 2015.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1369 (H.B. 4428), Sec. 1, eff. September 1, 2019.

Sec. 411.175. PROCEDURES FOR SUBMITTING FINGERPRINTS. The department shall establish procedures for the submission of legible and classifiable fingerprints by an applicant for a license under this subchapter who:

(1) is required to submit those fingerprints to the department, including an applicant under Section 411.199, 411.1991, or 411.201; and

(2) resides in a county having a population of 46,000 or less and does not reside within a 25-mile radius of a facility with the capability to process digital or electronic fingerprints.

Added by Acts 2013, 83rd Leg., R.S., Ch. 874 (H.B. 698), Sec. 1, eff. September 1, 2013.

Sec. 411.176. REVIEW OF APPLICATION MATERIALS. (a) On receipt of application materials by the department at its Austin headquarters, the department shall conduct the appropriate criminal history record check of the applicant through its computerized criminal history system. Not later than the 30th day after the date the department receives the application materials, the department shall forward the materials to the director's designee in the geographical area of the applicant's residence so that the designee may conduct the investigation described by Subsection (b). For purposes of this section, the director's designee may be a noncommissioned employee of the department.

(b) The director's designee as needed shall conduct an additional criminal history record check of the applicant and an investigation of the applicant's local official records to verify the accuracy of the application materials. The director's designee may access any records necessary for purposes of this subsection. The scope of the record check and the investigation are at the sole discretion of the department, except that the director's designee shall complete the record check and investigation not later than the 60th day after the date the department receives the application materials. The department shall send a fingerprint card to the Federal Bureau of Investigation for a national criminal history check of the applicant. On completion of the investigation, the director's designee shall return all materials and the result of the investigation to the appropriate division of the department at its Austin headquarters.

(c) The director's designee may submit to the appropriate division of the department, at the department's Austin headquarters, along with the application materials a written recommendation for disapproval of the application, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of a ground for denial under Section 411.172. The director's designee may also submit the application and the recommendation that the license be issued.

(d) On receipt at the department's Austin headquarters of the application materials and the result of the investigation by the director's designee, the department shall conduct any further record check or investigation the department determines is necessary if a question exists with respect to the accuracy of the application materials or the eligibility of the applicant, except that the department shall complete the record check and investigation not later than the 180th day after the date the department receives the application materials from the applicant.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.07(a), eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.05, eff. September 1, 2009.

Sec. 411.1765. NOTICE OF CERTAIN DENIALS. (a) This section applies only to an application for the issuance of an original or renewal license to carry a handgun for which the department has received an opinion from a panel member of the medical advisory board under Section 12.095, Health and Safety Code, that indicates the applicant may be unable to exercise sound judgment with respect to the proper use and storage of a handgun.

(b) The department may not deny an application to which this section applies, unless the department first provides the applicant with:

(1) a written notice that specifically states the reason the department is considering denying the application; and

(2) a period of not less than 30 days in which the applicant may provide additional written materials to the department to supplement or clarify the applicant's application submitted under this subchapter.

(c) The department shall forward any materials received in the period described by Subsection (b)(2) to the entire medical advisory board panel described by Subsection (a). After reviewing the written materials, each panel member shall submit a written report to the department stating the panel member's opinion as to the ability of the applicant to exercise sound judgment with respect to the proper use and storage of a handgun.

(d) After the medical advisory board panel submits the written reports under Subsection (c), the department shall review the application and determine whether to issue an original or renewal license to carry a handgun or to deny the application.

Added by Acts 2025, 89th Leg., R.S., Ch. 932 (H.B. 1234), Sec. 1, eff. September 1, 2025.

Sec. 411.177. ISSUANCE OR DENIAL OF LICENSE. (a) The department shall issue a license to carry a handgun to an applicant if the applicant meets all the eligibility requirements and submits all the application materials. The department shall administer

the licensing procedures in good faith so that any applicant who meets all the eligibility requirements and submits all the application materials shall receive a license. The department may not deny an application on the basis of a capricious or arbitrary decision by the department.

(b) Except as otherwise provided by Subsection (b-1), the department shall, not later than the 60th day after the date of the receipt by the director's designee of the completed application materials:

(1) issue the license;

(2) notify the applicant in writing that the application was denied:

(A) on the grounds that the applicant failed to qualify under the criteria listed in Section 411.172;

(B) based on the affidavit of the director's designee submitted to the department under Section 411.176(c); or

(C) based on the affidavit of the qualified handgun instructor submitted to the department under Section 411.188(k); or

(3) notify the applicant in writing that the department is unable to make a determination regarding the issuance or denial of a license to the applicant within the 60-day period prescribed by this subsection and include in that notification an explanation of the reason for the inability and an estimation of the additional period the department will need to make the determination.

(b-1) If the applicant submits with the completed application materials an application for a designation under Section 411.184, the department shall, without charging an additional fee, expedite the application. Not later than the 10th day after the receipt of the materials under this subsection, the department shall:

(1) issue the license with the designation; or

(2) notify the applicant in writing that the applicant is not eligible for the designation under Section 411.184 and the application for the license will be processed in the regular course of business.

(b-2) Notwithstanding Subsection (b-1), if the department determines that the applicant is eligible for the designation under Section 411.184 but is unable to quickly make a determination regarding the issuance or denial of a license to the applicant, the department shall provide written notice of that fact to the applicant and shall include in that notice an explanation of the reason for the inability and an estimation of the additional period the department will need to make the determination.

(b-3) The director shall adopt policies for expedited processing under Subsection (b-1).

(c) Failure of the department to issue or deny a license for a period of more than 30 days after the department is required to act under Subsection (b) constitutes denial, regardless of whether the applicant was eligible for expedited processing of the application under Subsection (b-1).

(d) A license issued under this subchapter is effective from the date of issuance.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.08(a), eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.06, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1302 (H.B. 3142), Sec. 5, eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 20, eff. January 1, 2016.

Acts 2021, 87th Leg., R.S., Ch. 821 (H.B. 2675), Sec. 1, eff. September 1, 2021.

Sec. 411.178. NOTICE TO LOCAL LAW ENFORCEMENT. On request of a local law enforcement agency, the department shall notify the agency of the licenses that have been issued to license holders who reside in the county in which the agency is located.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 14, eff. Sept. 1, 1999.

Sec. 411.179. FORM OF LICENSE. (a) The department by rule shall adopt the form of the license. A license must include:

(1) a number assigned to the license holder by the department;

(2) a statement of the period for which the license is effective;

(3) a photograph of the license holder;

(4) the license holder's full name, date of birth, hair and eye color, height, weight, and signature;

(5) the license holder's residence address or, as provided by Subsection (d), the street address of the courthouse in which the license holder or license holder's spouse or parent serves as a federal judge or the license holder serves as a state judge;

(6) the number of a driver's license or an identification certificate issued to the license holder by the department;

(7) the designation "VETERAN" if required under Subsection (e);

(8) any at-risk designation for which the license holder has established eligibility under Section 411.184; and

(9) if applicable, a protective order designation under Section 411.1735.

(b) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1302, Sec. 14(2), eff. June 14, 2013.

(c) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a qualified handgun instructor or of the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, prosecuting attorney, or assistant prosecuting attorney, as described by Section 46.15(a)(4), (6), or (7), Penal Code, to indicate on the license the license holder's status as a qualified handgun instructor or as the attorney general or a judge, justice, United States attorney, assistant United States attorney, assistant attorney general, district attorney, criminal district attorney, or county attorney. In establishing

the procedure, the department shall require sufficient documentary evidence to establish the license holder's status under this subsection.

(d) In adopting the form of the license under Subsection (a), the department shall establish a procedure for the license of a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, a state judge, or a family member of a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge to omit the license holder's residence address and to include, in lieu of that address, the street address of the courthouse in which the license holder or license holder's spouse or parent serves as a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge. In establishing the procedure, the department shall require sufficient documentary evidence to establish the license holder's status as a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge, or a family member of a federal judge, including a federal bankruptcy judge, a marshal of the United States Marshals Service, a United States attorney, or a state judge.

(e) In this subsection, "veteran" has the meaning assigned by Section 411.1951. The department shall include the designation "VETERAN" on the face of any original, duplicate, modified, or renewed license under this subchapter or on the reverse side of the license, as determined by the department, if the license is issued to a veteran who:

(1) requests the designation; and

(2) provides proof sufficient to the department of the veteran's military service and honorable discharge.

(f) In this section, "family member" has the meaning assigned by Section 31.006, Finance Code.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 594 (H.B. 41), Sec. 9, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1222 (H.B. 2300), Sec. 1, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.001(25), eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 27.002(6), eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 316 (H.B. 598), Sec. 5, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.07, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 396 (S.B. 164), Sec. 2, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1302 (H.B. 3142), Sec. 6, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1302 (H.B. 3142), Sec. 14(2), eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 9.003, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 1143 (H.B. 435), Sec. 2, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 918 (H.B. 4195), Sec. 1, eff. September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 203 (H.B. 918), Sec. 3, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 383 (S.B. 1134), Sec. 7, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 821 (H.B. 2675), Sec. 2, eff. September 1, 2021.

Acts 2023, 88th Leg., R.S., Ch. 768 (H.B. 4595), Sec. 10.003, eff. September 1, 2023.

Sec. 411.180. NOTIFICATION OF DENIAL, REVOCATION, OR SUSPENSION OF LICENSE; REVIEW. (a) The department shall give written notice to each applicant for a handgun license of any denial, revocation, or suspension of that license. Not later than

the 30th day after the notice is received by the applicant, according to the records of the department, the applicant or license holder may request a hearing on the denial, revocation, or suspension. The applicant must make a written request for a hearing addressed to the department at its Austin address. The request for hearing must reach the department in Austin prior to the 30th day after the date of receipt of the written notice. On receipt of a request for hearing from a license holder or applicant, the department shall promptly schedule a hearing in the appropriate justice court in the county of residence of the applicant or license holder. The justice court shall conduct a hearing to review the denial, revocation, or suspension of the license. In a proceeding under this section, a justice of the peace shall act as an administrative hearing officer. A hearing under this section is not subject to Chapter 2001 (Administrative Procedure Act). A district attorney or county attorney, the attorney general, or a designated member of the department may represent the department.

(b) The department, on receipt of a request for hearing, shall file the appropriate petition in the justice court selected for the hearing and send a copy of that petition to the applicant or license holder at the address contained in departmental records. A hearing under this section must be scheduled within 30 days of receipt of the request for a hearing. The hearing shall be held expeditiously but in no event more than 60 days after the date that the applicant or license holder requested the hearing. The date of the hearing may be reset on the motion of either party, by agreement of the parties, or by the court as necessary to accommodate the court's docket.

(c) The justice court shall determine if the denial, revocation, or suspension is supported by a preponderance of the evidence. Both the applicant or license holder and the department may present evidence. The court shall affirm the denial, revocation, or suspension if the court determines that denial, revocation, or suspension is supported by a preponderance of the evidence. If the court determines that the denial, revocation, or suspension is not supported by a preponderance of the evidence, the court shall order the department to immediately issue or return the

license to the applicant or license holder.

(d) A proceeding under this section is subject to Chapter 105, Civil Practice and Remedies Code, relating to fees, expenses, and attorney's fees.

(e) A party adversely affected by the court's ruling following a hearing under this section may appeal the ruling by filing within 30 days after the ruling a petition in a county court at law in the county in which the applicant or license holder resides or, if there is no county court at law in the county, in the county court of the county. A person who appeals under this section must send by certified mail a copy of the person's petition, certified by the clerk of the court in which the petition is filed, to the appropriate division of the department at its Austin headquarters. The trial on appeal shall be a trial de novo without a jury. A district or county attorney or the attorney general may represent the department.

(f) A suspension of a license may not be probated.

(g) If an applicant or a license holder does not petition the justice court, a denial becomes final and a revocation or suspension takes effect on the 30th day after receipt of written notice.

(h) The department may use and introduce into evidence certified copies of governmental records to establish the existence of certain events that could result in the denial, revocation, or suspension of a license under this subchapter, including records regarding convictions, judicial findings regarding mental competency, judicial findings regarding chemical dependency, or other matters that may be established by governmental records that have been properly authenticated.

(i) This section does not apply to a suspension of a license under Section 85.022, Family Code, or Article 17.292, Code of Criminal Procedure.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1412, Sec. 5, eff. Sept. 1, 1999.

Sec. 411.181. NOTICE OF CHANGE OF INFORMATION; DUPLICATE

LICENSE. (a) If a person who is a current license holder moves from any residence address stated on the license, if the name of the person is changed by marriage or otherwise, or if the person's status becomes inapplicable for purposes of the information required to be displayed on the license under Section 411.179, the person shall, not later than the 30th day after the date of the address, name, or status change, notify the department and provide the department with the number of the person's license and, as applicable, the person's:

(1) former and new addresses;

(2) former and new names; or

(3) former and new status.

(a-1) If a license holder whose license will expire under Section 411.183(a)(1)(B) or (b)(1)(B) is granted an extension for the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law, the license holder may apply to the department for a duplicate license with an updated expiration date by providing to the department the person's license number and evidence of the extension. The duplicate license must provide for an expiration date, calculated in accordance with Section 411.183(a) or (b), as applicable, that takes into account the extension of the period for which the license holder may be lawfully present in the United States.

(b) If the name of the license holder is changed by marriage or otherwise, or if the person's status becomes inapplicable as described by Subsection (a), the person shall apply for a duplicate license. The duplicate license must reflect the person's current name, residence address, and status.

(c) If a license holder moves from the address stated on the license, the person shall apply for a duplicate license.

(d) The department shall charge a license holder a fee of $25 for a duplicate license.

(e) The department shall make the forms available on request.

(f) On request of a local law enforcement agency, the department shall notify the agency of changes made under Subsection

(a) by license holders who reside in the county in which the agency is located.

(g) If a license is lost, stolen, or destroyed, the license holder shall apply for a duplicate license not later than the 30th day after the date of the loss, theft, or destruction of the license.

(h) If a license holder is required under this section to apply for a duplicate license and the license expires not later than the 60th day after the date of the loss, theft, or destruction of the license, the applicant may renew the license with the modified information included on the new license. The applicant must pay only the nonrefundable renewal fee.

(i) A license holder whose application fee for a duplicate license under this section is dishonored or reversed may reapply for a duplicate license at any time, provided the application fee and a dishonored payment charge of $25 is paid by cashier's check or money order made payable to the "Texas Department of Public Safety."

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 1189, Sec. 15, eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1065 (H.B. 1483), Sec. 3, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 594 (H.B. 41), Sec. 10, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1222 (H.B. 2300), Sec. 2, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 316 (H.B. 598), Sec. 6, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.08, eff. September 1, 2009.

Acts 2019, 86th Leg., R.S., Ch. 1369 (H.B. 4428), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1369 (H.B. 4428), Sec. 3, eff. September 1, 2019.

Sec. 411.182. NOTICE. (a) For the purpose of a notice required by this subchapter, the department may assume that the address currently reported to the department by the applicant or license holder is the correct address.

(b) A written notice meets the requirements under this subchapter if the notice is sent by certified mail to the current address reported by the applicant or license holder to the department.

(c) If a notice is returned to the department because the notice is not deliverable, the department may give notice by publication once in a newspaper of general interest in the county of the applicant's or license holder's last reported address. On the 31st day after the date the notice is published, the department may take the action proposed in the notice.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Sec. 411.183. EXPIRATION. (a) A license issued under this subchapter expires on:

(1) the earlier of:

(A) the first birthday of the license holder occurring after the fourth anniversary of the date of issuance; or

(B) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law; or

(2) the first anniversary of the date of issuance, if there is no definite expiration date for the applicant's lawful presence in the United States.

(b) A renewed license expires on:

(1) the earlier of:

(A) the license holder's birthdate, five years after the date of the expiration of the previous license; or

(B) the expiration of the license holder's lawful presence in the United States as determined by the United States agency responsible for citizenship and immigration in compliance with federal law; or

(2) the first anniversary of the date of renewal, if there is no definite expiration date for the applicant's lawful presence in the United States.

(c) Except as otherwise provided by Section 411.181(a-1), a duplicate license expires on the date the license that was duplicated would have expired.

(d) A modified license expires on the date the license that was modified would have expired.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 915 (H.B. 225), Sec. 3, eff. September 1, 2005.

Acts 2019, 86th Leg., R.S., Ch. 1369 (H.B. 4428), Sec. 4, eff. September 1, 2019.

Sec. 411.184. AT-RISK DESIGNATION. (a) The department shall develop a procedure for persons who are at increased risk of becoming a victim of violence to:

(1) obtain a handgun license on an expedited basis, if the person is not already a license holder; and

(2) qualify for an at-risk designation on the license.

(b) A person is eligible for an at-risk designation under this section if:

(1) the person is protected under, or a member of the person's household or family is protected under:

(A) a temporary restraining order or temporary injunction issued under Subchapter F, Chapter 6, Family Code;

(B) a temporary ex parte order issued under Chapter 83, Family Code;

(C) a protective order issued under Chapter 85, Family Code;

(D) a protective order issued under Chapter 7B, Code of Criminal Procedure; or

(E) a magistrate's order for emergency protection issued under Article 17.292, Code of Criminal Procedure; or

(2) the person participates in the address confidentiality program under Subchapter B, Chapter 58, Code of Criminal Procedure.

(c) The director may adopt rules to accept alternative documentation not described by Subsection (b) that shows that the person is at increased risk of becoming a victim of violence.

(d) A person may receive an at-risk designation under this section if the person submits to the department, in the form and manner provided by the department:

(1) an application for the designation;

(2) evidence of the increased risk of becoming a victim of violence, as provided by Subsection (b) or rules adopted under Subsection (c); and

(3) any other information that the department may require.

(e) A license holder may apply for the designation under this section by making an application for a duplicate license. A person who is not a license holder may apply for the designation with the person's application for an original license to carry a handgun.

(f) A person with a designation granted under this section shall annually certify that the person continues to qualify for the designation and shall submit to the department any information the department requires to verify the person's continuing eligibility. A person who no longer qualifies for the designation under this section shall immediately notify the department.

(g) If based on the information received under Subsection (f) the department determines that the person is no longer eligible for a designation under this section, the department shall notify the person and issue to the person a duplicate license without a designation.

(h) On receipt of a duplicate license without a designation under Subsection (g), the license holder shall return the license with the designation to the department.

(i) The department may not charge a fee for issuing a duplicate license with a designation under this section or for issuing a duplicate license without a designation if the person no

longer qualifies for the designation. If a person applies for a designation at the same time the person applies for an original license under this subchapter, the department may charge only the licensing fee.

Added by Acts 2021, 87th Leg., R.S., Ch. 821 (H.B. 2675), Sec. 3, eff. September 1, 2021.

Sec. 411.185. LICENSE RENEWAL PROCEDURE. (a) To renew a license, a license holder must, on or before the first anniversary of the date the license expires, submit to the department by mail or, in accordance with the procedure adopted under Subsection (f), on the Internet:

(1) a renewal application on a form provided by the department;

(2) payment of a nonrefundable renewal fee of $40; and

(3) the informational form described by Subsection (c) signed or electronically acknowledged by the applicant.

(b) The director by rule shall adopt a renewal application form requiring an update of the information on the original completed application.

(c) The director by rule shall adopt an informational form that describes state law regarding the use of deadly force and the places where it is unlawful for the holder of a license issued under this subchapter to carry a handgun. An applicant for a renewed license must sign and return the informational form to the department by mail or acknowledge the form electronically on the Internet according to the procedure adopted under Subsection (f).

(d) Not later than the 60th day before the expiration date of the license, the department shall mail to each license holder a written notice of the expiration of the license, a renewal application form, and the informational form described by Subsection (c).

(e) The department shall renew the license of a license holder who meets all the eligibility requirements to continue to hold a license and submits all the renewal materials described by Subsection (a). Not later than the 45th day after receipt of the renewal materials, the department shall issue the renewed license

or notify the license holder in writing that the department denied the license holder's renewal application.

(f) The director by rule shall adopt a procedure by which a license holder who satisfies the eligibility requirements to continue to hold a license may submit the renewal materials described by Subsection (a) by mail or on the Internet.

(g) The department may not request or require a license holder to provide the license holder's social security number to renew a license under this section.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 694 (H.B. 1839), Sec. 1, eff. September 1, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.10, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 156 (S.B. 864), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 665 (H.B. 1349), Sec. 3, eff. January 1, 2014.

Acts 2013, 83rd Leg., R.S., Ch. 1387 (H.B. 48), Sec. 1, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 21, eff. January 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 9.004, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 21.001(22), eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 179 (S.B. 16), Sec. 2, eff. September 1, 2017.

Acts 2025, 89th Leg., R.S., Ch. 372 (H.B. 668), Sec. 1, eff. June 20, 2025.

Sec. 411.186. REVOCATION.

(a) The department shall revoke a license under this section if the license holder:

(1) was not entitled to the license at the time it was

issued;

(2) made a material misrepresentation or failed to disclose a material fact in an application submitted under this subchapter;

(3) subsequently becomes ineligible for a license under Section 411.172, unless the sole basis for the ineligibility is that the license holder is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony under an information or indictment;

(4) is determined by the department to have engaged in conduct constituting a reason to suspend a license listed in Section 411.187(a) after the person's license has been previously suspended twice for the same reason; or

(5) submits an application fee that is dishonored or reversed if the applicant fails to submit a cashier's check or money order made payable to the "Department of Public Safety of the State of Texas" in the amount of the dishonored or reversed fee, plus $25, within 30 days of being notified by the department that the fee was dishonored or reversed.

(b) If a peace officer believes a reason listed in Subsection (a) to revoke a license exists, the officer shall prepare an affidavit on a form provided by the department stating the reason for the revocation of the license and giving the department all of the information available to the officer at the time of the preparation of the form. The officer shall attach the officer's reports relating to the license holder to the form and send the form and attachments to the appropriate division of the department at its Austin headquarters not later than the fifth working day after the date the form is prepared. The officer shall send a copy of the form and the attachments to the license holder. If the license holder has not surrendered the license or the license was not seized as evidence, the license holder shall surrender the license to the appropriate division of the department not later than the 10th day after the date the license holder receives the notice of revocation from the department, unless the license holder requests a hearing from the department. The license holder may

request that the justice court in the justice court precinct in which the license holder resides review the revocation as provided by Section 411.180. If a request is made for the justice court to review the revocation and hold a hearing, the license holder shall surrender the license on the date an order of revocation is entered by the justice court.

(c) A license holder whose license is revoked for a reason listed in Subsections (a)(1)-(4) may reapply as a new applicant for the issuance of a license under this subchapter after the second anniversary of the date of the revocation if the cause for revocation does not exist on the date of the second anniversary. If the cause for revocation exists on the date of the second anniversary after the date of revocation, the license holder may not apply for a new license until the cause for revocation no longer exists and has not existed for a period of two years.

(d) A license holder whose license is revoked under Subsection (a)(5) may reapply for an original or renewed license at any time, provided the application fee and a dishonored payment charge of $25 is paid by cashier's check or money order made payable to the "Texas Department of Public Safety."

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.09(a), eff. Sept. 1, 1999.

Amended by:

Acts 2005, 79th Leg., Ch. 1065 (H.B. 1483), Sec. 2, eff. September 1, 2005.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.11, eff. September 1, 2009.

Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 8, eff. September 1, 2021.

Sec. 411.187. SUSPENSION OF LICENSE.

(a) The department shall suspend a license under this section if the license holder:

(1) is charged with the commission of a Class A or Class B misdemeanor or equivalent offense, or of an offense under Section 42.01, Penal Code, or equivalent offense, or of a felony

under an information or indictment;

(2) fails to notify the department of a change of address, name, or status as required by Section 411.181;

(3) commits an act of family violence and is the subject of an active protective order rendered under Title 4, Family Code; or

(4) is arrested for an offense involving family violence or an offense under Section 42.072, Penal Code, and is the subject of an order for emergency protection issued under Article 17.292, Code of Criminal Procedure.

(b) If a peace officer believes a reason listed in Subsection (a) to suspend a license exists, the officer shall prepare an affidavit on a form provided by the department stating the reason for the suspension of the license and giving the department all of the information available to the officer at the time of the preparation of the form. The officer shall attach the officer's reports relating to the license holder to the form and send the form and the attachments to the appropriate division of the department at its Austin headquarters not later than the fifth working day after the date the form is prepared. The officer shall send a copy of the form and the attachments to the license holder. If the license holder has not surrendered the license or the license was not seized as evidence, the license holder shall surrender the license to the appropriate division of the department not later than the 10th day after the date the license holder receives the notice of suspension from the department unless the license holder requests a hearing from the department. The license holder may request that the justice court in the justice court precinct in which the license holder resides review the suspension as provided by Section 411.180. If a request is made for the justice court to review the suspension and hold a hearing, the license holder shall surrender the license on the date an order of suspension is entered by the justice court.

(c) The department shall suspend a license under this section:

(1) for 30 days, if the person's license is subject to suspension for a reason listed in Subsection (a)(2), (3), or (4),

except as provided by Subdivision (2);

(2) for not less than one year and not more than three years, if the person's license:

(A) is subject to suspension for a reason listed in Subsection (a), other than the reason listed in Subsection (a)(1); and

(B) has been previously suspended for the same reason;

(3) until dismissal of the charges, if the person's license is subject to suspension for the reason listed in Subsection (a)(1); or

(4) for the duration of or the period specified by:

(A) the protective order issued under Title 4, Family Code, if the person's license is subject to suspension for the reason listed in Subsection (a)(3); or

(B) the order for emergency protection issued under Article 17.292, Code of Criminal Procedure, if the person's license is subject to suspension for the reason listed in Subsection (a)(4).

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.10(a), eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1412, Sec. 6, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 316 (H.B. 598), Sec. 7, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.12, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 12A.01, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1302 (H.B. 3142), Sec. 7, eff. June 14, 2013.

Acts 2025, 89th Leg., R.S., Ch. 204 (H.B. 1620), Sec. 8.014, eff. September 1, 2025.

Sec. 411.1871. NOTICE OF SUSPENSION OR REVOCATION OF CERTAIN LICENSES. The department shall notify the Texas

Commission on Law Enforcement Officer Standards and Education if the department takes any action against the license of a person identified by the commission as a person certified under Section 1701.260, Occupations Code, including suspension or revocation. Added by Acts 2013, 83rd Leg., R.S., Ch. 655 (H.B. 1009), Sec. 4, eff. June 14, 2013.

Sec. 411.188. HANDGUN PROFICIENCY REQUIREMENT. (a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency is required for each person who seeks to obtain a license and must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use a handgun. An applicant must be able to demonstrate, at a minimum, the degree of proficiency that is required to effectively operate a handgun. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor or approved online course provider seeking to administer the course or a part of the course as described by Subsection (b).

(b) Only qualified handgun instructors may administer the range instruction part of the handgun proficiency course. A qualified handgun instructor or approved online course provider may administer the classroom instruction part of the handgun proficiency course. The classroom instruction part of the course must include not less than four hours and not more than six hours of instruction on:

(1) the laws that relate to weapons and to the use of deadly force;

(2) handgun use and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;

(3) nonviolent dispute resolution; and

(4) proper storage practices for handguns with an

emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(c) An approved online course provider shall administer the classroom instruction part of the handgun proficiency course in an online format. A course administered online must include not less than four hours and not more than six hours of instruction.

(d) Except as provided by Subsection (e), only a qualified handgun instructor may administer the proficiency examination to obtain a license. The proficiency examination must include:

(1) a written section on the subjects listed in Subsection (b); and

(2) a physical demonstration of proficiency in the use of one or more handguns and in handgun safety procedures.

(d-1) A qualified handgun instructor shall require an applicant who successfully completed an online version of the classroom instruction part of the handgun proficiency course to complete not less than one hour but not more than two hours of the range instruction part of the handgun proficiency course before allowing a physical demonstration of handgun proficiency as described by Subsection (d)(2).

(e) An approved online course provider may administer online through a secure portal the written portion of the proficiency examination described by Subsection (d)(1).

(f) The department shall develop and distribute directions and materials for course instruction, test administration, and recordkeeping. All test results shall be sent to the department, and the department shall maintain a record of the results.

(g) A person who wishes to obtain a license to carry a handgun must apply in person to a qualified handgun instructor to take the range instruction part of the handgun proficiency course and to demonstrate handgun proficiency as required by the department. A person must apply in person to a qualified handgun instructor or online to an approved online course provider, as applicable, to take the classroom instruction part of the handgun proficiency course.

(h) Repealed by Acts 2013, 83rd Leg., R.S., Ch. 1302, Sec. 14(4), eff. June 14, 2013.

(i) A certified firearms instructor of the department may monitor any class or training presented by a qualified handgun instructor. A qualified handgun instructor shall cooperate with the department in the department's efforts to monitor the presentation of training by the qualified handgun instructor.

(j) A qualified handgun instructor or approved online course provider shall make available for inspection to the department any and all records maintained by the instructor or course provider under this subchapter. The qualified handgun instructor or approved online course provider shall keep a record of all information required by department rule.

(k) A qualified handgun instructor may submit to the department a written recommendation for disapproval of the application for a license or modification of a license, accompanied by an affidavit stating personal knowledge or naming persons with personal knowledge of facts that lead the instructor to believe that an applicant does not possess the required handgun proficiency. The department may use a written recommendation submitted under this subsection as the basis for denial of a license only if the department determines that the recommendation is made in good faith and is supported by a preponderance of the evidence. The department shall make a determination under this subsection not later than the 45th day after the date the department receives the written recommendation. The 60-day period in which the department must take action under Section 411.177(b) is extended one day for each day a determination is pending under this subsection.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a) eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.11(a), eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.10, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.13, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 156 (S.B. 864), Sec. 2, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 156 (S.B. 864), Sec. 3, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1302 (H.B. 3142), Sec. 8, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1302 (H.B. 3142), Sec. 14(4), eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1387 (H.B. 48), Sec. 2, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1387 (H.B. 48), Sec. 5, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 22, eff. January 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 9.005, eff. September 1, 2015.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 9.006, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 527 (S.B. 263), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 2, eff. September 1, 2017.

Sec. 411.1881. EXEMPTION FROM INSTRUCTION FOR CERTAIN PERSONS. (a) Notwithstanding any other provision of this subchapter, a person may not be required to complete the range instruction portion of a handgun proficiency course to obtain a license issued under this subchapter if the person:

(1) is currently serving in or is honorably discharged from:

(A) the army, navy, air force, coast guard, or marine corps of the United States or an auxiliary service or reserve unit of one of those branches of the armed forces; or

(B) the Texas military forces, as defined by Section 437.001; and

(2) has, within the 10 years preceding the date of the person's application for the license, completed as part of the person's service with the armed forces or Texas military forces:

(A) a course of training in firearm proficiency

or familiarization; or

(B) a range qualification process for firearm usage.

(b) The director by rule shall adopt a procedure by which a license holder who is exempt under Subsection (a) from the range instruction portion of the handgun proficiency requirement may submit a form demonstrating the license holder's qualification for an exemption under that subsection. The form must provide sufficient information to allow the department to verify whether the license holder qualifies for the exemption.

Added by Acts 2005, 79th Leg., Ch. 132 (H.B. 685), Sec. 1, eff. September 1, 2005.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 3.04, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1387 (H.B. 48), Sec. 3, eff. September 1, 2013.

Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 3, eff. September 1, 2017.

Sec. 411.1882. EVIDENCE OF HANDGUN PROFICIENCY FOR CERTAIN PERSONS.

(a) A person who is serving in this state as the attorney general or as a judge or justice of a federal court, as an active judicial officer as defined by Section 411.201, as a United States attorney, assistant United States attorney, assistant attorney general, district attorney, assistant district attorney, criminal district attorney, assistant criminal district attorney, county attorney, or assistant county attorney, as a district or county clerk, as a supervision officer as defined by Article 42A.001, Code of Criminal Procedure, or as a juvenile probation officer may establish handgun proficiency for the purposes of this subchapter by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement for purposes of Section 1702.1675, Occupations Code, a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the

instructor proficiency in the use of handguns.

(b) The director by rule shall adopt a procedure by which a person described under Subsection (a) may submit a form demonstrating the person's qualification for an exemption under that subsection. The form must provide sufficient information to allow the department to verify whether the person qualifies for the exemption.

(c) A license issued under this section automatically expires on the six-month anniversary of the date the person's status under Subsection (a) becomes inapplicable. A license that expires under this subsection may be renewed under Section 411.185. Added by Acts 2007, 80th Leg., R.S., Ch. 1222 (H.B. 2300), Sec. 3, eff. June 15, 2007.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.14, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.24, eff. May 18, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1302 (H.B. 3142), Sec. 9, eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1029 (H.B. 1376), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 23.008, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1143 (H.B. 435), Sec. 3, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 1077 (S.B. 599), Sec. 1, eff. September 1, 2023.

Sec. 411.1883. TRAINING COURSE FOR CERTAIN FIRST RESPONDERS. (a) In this section, "first responder" has the meaning assigned by Section 46.01, Penal Code.

(b) The director by rule shall establish minimum standards for an initial training course that a first responder who is a license holder and who is employed or supervised by a county or municipality to which Chapter 179, Local Government Code, applies may complete to receive a certification of completion from the

department under this section. The training course must:

(1) be administered by a qualified handgun instructor;

(2) include not more than 40 hours of instruction;

(3) provide classroom training in:

(A) self-defense;

(B) de-escalation techniques;

(C) tactical thinking relating to cover for and concealment of the license holder;

(D) methods to conceal a handgun and methods to ensure the secure carrying of a concealed handgun;

(E) the use of restraint holsters and methods to ensure the secure carrying of an openly carried handgun; and

(F) consequences of improper use of a handgun;

(4) provide field instruction in the use of handguns, including:

(A) instinctive or reactive shooting;

(B) tactical shooting;

(C) shooting while moving; and

(D) shooting in low light conditions;

(5) require physical demonstrations of proficiency in techniques learned in training; and

(6) provide procedures for securing and storing a handgun if the first responder, while on duty, is required to enter a location where carrying the handgun is prohibited by federal law or otherwise.

(c) The department by rule shall establish minimum standards for an annual continuing education course that is administered by a qualified handgun instructor and includes not more than 10 hours of instruction for a person who has completed the initial training course described by Subsection (b).

(d) The department shall issue a certificate of completion to a first responder who is a license holder and who completes the initial training course under Subsection (b) or the continuing education course under Subsection (c), as applicable. A certificate of completion expires on the first anniversary of issuance.

(e) A first responder is responsible for paying to the

course provider the costs of a training course under this section.

(f) The director by rule shall approve devices to enable a first responder to secure and store a handgun if the first responder, while on duty, is required to enter a location where carrying the handgun is prohibited by federal law or otherwise.

Added by Acts 2021, 87th Leg., R.S., Ch. 1026 (H.B. 1069), Sec. 3, eff. September 1, 2021.

Redesignated from Government Code, Section 411.184 by Acts 2023, 88th Leg., R.S., Ch. 768 (H.B. 4595), Sec. 24.001(16), eff. September 1, 2023.

Sec. 411.1884. TRAINING COURSE FOR TACTICAL MEDICAL PROFESSIONALS. (a) In this section, "tactical medical professional" means a person who:

(1) is a physician licensed under Subtitle B, Title 3, Occupations Code, or emergency medical services personnel, as defined by Section 773.003, Health and Safety Code; and

(2) is employed or otherwise appointed by the head of a law enforcement agency to provide direct support to a tactical unit of the agency responding to a high-risk incident by providing medical services to victims, officers, and other persons at the incident.

(b) The director, in consultation with the Texas Commission on Law Enforcement, by rule shall establish minimum standards for an initial training course that a tactical medical professional who is a license holder may complete to receive a certification of completion from the department under this section. The training course must:

(1) be administered by a qualified handgun instructor;

(2) provide classroom training and field instruction in the use of handguns; and

(3) require physical demonstrations of proficiency in techniques learned in training.

(c) The department, in consultation with the Texas Commission on Law Enforcement, by rule shall establish minimum standards for an annual continuing education course that is administered by a qualified handgun instructor for a tactical

medical professional who has completed the initial training course described by Subsection (b).

(d) The department shall issue a certificate of completion to a tactical medical professional who is a license holder and who completes the initial training course under Subsection (b) or the continuing education course under Subsection (c), as applicable. A certificate of completion expires on the first anniversary of issuance.

(e) A tactical medical professional is responsible for paying to the course provider the costs of a training course under this section.

Added by Acts 2025, 89th Leg., R.S., Ch. 1116 (H.B. 4995), Sec. 4, eff. September 1, 2025.

Sec. 411.190. QUALIFIED HANDGUN INSTRUCTORS AND APPROVED ONLINE COURSE PROVIDERS. (a) The director may certify as a qualified handgun instructor a person who:

(1) is certified by the Texas Commission on Law Enforcement or under Chapter 1702, Occupations Code, to instruct others in the use of handguns;

(2) regularly instructs others in the use of handguns and has graduated from a handgun instructor school that uses a nationally accepted course designed to train persons as handgun instructors; or

(3) is certified by the National Rifle Association of America as a handgun instructor.

(a-1) The director may certify as an approved online course provider a person who has:

(1) at least three years of experience in providing online instruction;

(2) experience working with governmental entities; and

(3) direct knowledge of handgun training.

(b) In addition to the qualifications described by Subsection (a) or (a-1), as appropriate, a qualified handgun instructor or approved online course provider must be qualified to instruct persons in:

(1) the laws that relate to weapons and to the use of deadly force;

(2) handgun use, proficiency, and safety, including use of restraint holsters and methods to ensure the secure carrying of openly carried handguns;

(3) nonviolent dispute resolution; and

(4) proper storage practices for handguns, including storage practices that eliminate the possibility of accidental injury to a child.

(c) In the manner applicable to a person who applies for a license to carry a handgun, the department shall conduct a background check of a person who applies for certification as a qualified handgun instructor or approved online course provider. If the background check indicates that the applicant for certification would not qualify to receive a handgun license, the department may not certify the applicant as a qualified handgun instructor or approved online course provider. If the background check indicates that the applicant for certification would qualify to receive a handgun license, the department shall provide handgun instructor or online course provider training to the applicant. The applicant shall pay a fee of $100 to the department for the training. The applicant must take and successfully complete the training offered by the department and pay the training fee before the department may certify the applicant as a qualified handgun instructor or approved online course provider. The department shall issue a license to carry a handgun under the authority of this subchapter to any person who is certified as a qualified handgun instructor or approved online course provider and who pays to the department a fee of $40 in addition to the training fee. The department by rule may prorate or waive the training fee for an employee of another governmental entity.

(d) The certification of a qualified handgun instructor or approved online course provider expires on the second anniversary after the date of certification. To renew a certification, the qualified handgun instructor or approved online course provider must pay a fee of $100 and take and successfully complete the retraining courses required by department rule.

(d-1) The department shall ensure that an applicant may renew certification under Subsection (d) from any county in this state by using an online format to complete the required retraining courses if:

(1) the applicant is renewing certification for the first time; or

(2) the applicant completed the required retraining courses in person the previous time the applicant renewed certification.

(e) After certification, a qualified handgun instructor or approved online course provider may conduct training for applicants for a license under this subchapter.

(f) If the department determines that a reason exists to revoke, suspend, or deny a license to carry a handgun with respect to a person who is a qualified handgun instructor or approved online course provider or an applicant for certification as a qualified handgun instructor or approved online course provider, the department shall take that action against the person's:

(1) license to carry a handgun if the person is an applicant for or the holder of a license issued under this subchapter; and

(2) certification as a qualified handgun instructor or approved online course provider.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.13(a), eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 199, Sec. 1, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 14.758, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 5.11, eff. September 1, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.15, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 91 (S.B. 1303), Sec. 11.007, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 93 (S.B. 686), Sec. 2.25, eff. May 18, 2013.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 23, eff. January 1, 2016.

Acts 2017, 85th Leg., R.S., Ch. 179 (S.B. 16), Sec. 3, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 4, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 5, eff. September 1, 2017.

Sec. 411.1901. SCHOOL SAFETY CERTIFICATION FOR QUALIFIED HANDGUN INSTRUCTORS. (a) The department shall establish a process to enable qualified handgun instructors certified under Section 411.190 to obtain an additional certification in school safety. The process must include a school safety certification course that provides training in the following:

(1) the protection of students;

(2) interaction of license holders with first responders;

(3) tactics for denying an intruder entry into a classroom or school facility; and

(4) methods for increasing a license holder's accuracy with a handgun while under duress.

(b) The school safety certification course under Subsection (a) must include not less than 15 hours and not more than 20 hours of instruction.

(c) A qualified handgun instructor certified in school safety under this section may provide school safety training, including instruction in the subjects listed under Subsection (a), to employees of a school district or an open-enrollment charter school who hold a license to carry a handgun issued under this subchapter.

(d) The department shall establish a fee in an amount that is sufficient to cover the costs of the school safety certification under this section.

(e) The department may adopt rules to administer this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 498 (S.B. 1857), Sec. 1,

eff. September 1, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 24, eff. January 1, 2016.

Sec. 411.191. REVIEW OF DENIAL, REVOCATION, OR SUSPENSION OF CERTIFICATION AS QUALIFIED HANDGUN INSTRUCTOR OR APPROVED ONLINE COURSE PROVIDER. The procedures for the review of a denial, revocation, or suspension of a license under Section 411.180 apply to the review of a denial, revocation, or suspension of certification as a qualified handgun instructor or approved online course provider. The notice provisions of this subchapter relating to denial, revocation, or suspension of handgun licenses apply to the proposed denial, revocation, or suspension of a certification of a qualified handgun instructor or approved online course provider or an applicant for certification as a qualified handgun instructor or approved online course provider.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 6, eff. September 1, 2017.

Sec. 411.192. CONFIDENTIALITY OF RECORDS. (a) The department shall disclose to a criminal justice agency information contained in its files and records regarding whether a named individual or any individual named in a specified list is licensed under this subchapter. Information on an individual subject to disclosure under this section includes the individual's name, date of birth, gender, race, zip code, telephone number, e-mail address, and Internet website address. Except as otherwise provided by this section and by Section 411.193, all other records maintained under this subchapter are confidential and are not subject to mandatory disclosure under the open records law, Chapter 552.

(b) An applicant or license holder may be furnished a copy of disclosable records regarding the applicant or license holder on request and the payment of a reasonable fee.

(c) The department shall notify a license holder of any request that is made for information relating to the license holder under this section and provide the name of the agency making the request.

(d) The department shall make public and distribute to the public at no cost lists of individuals who are certified as qualified handgun instructors by the department and who request to be included as provided by Subsection (e) and lists of approved online course providers. The department shall include on the lists each individual's name, telephone number, e-mail address, and Internet website address. The department shall make the lists available on the department's Internet website.

(e) An individual who is certified as a qualified handgun instructor may request in writing that the department disclose all or part of the information described by Subsection (d) regarding the individual. The department shall include all or part of the individual's information on the list as requested.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 172 (H.B. 991), Sec. 1, eff. May 23, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 6.03, eff. September 1, 2009.

Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 7, eff. September 1, 2017.

Sec. 411.193. STATISTICAL REPORT. The department shall make available, on request and payment of a reasonable fee to cover costs of copying, a statistical report that includes the number of licenses issued, denied, revoked, or suspended by the department during the preceding month, listed by age, gender, race, and zip code of the applicant or license holder.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Sec. 411.194. REDUCTION OF CERTAIN FEES DUE TO INDIGENCY.

(a) Notwithstanding any other provision of this subchapter, if the department determines that an applicant is indigent, the department shall reduce by:

(1) 50 percent any fee required for the issuance of a duplicate or modified license under this subchapter; and

(2) $5 any fee required for the issuance of a renewed license under this subchapter.

(b) The department shall require an applicant requesting a reduction of a fee to submit proof of indigency with the application materials.

(c) For purposes of this section, an applicant is indigent if the applicant's income is not more than 100 percent of the applicable income level established by the federal poverty guidelines.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 179 (S.B. 16), Sec. 4, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 179 (S.B. 16), Sec. 5, eff. September 1, 2017.

Sec. 411.195. REDUCTION OF CERTAIN FEES FOR SENIOR CITIZENS. Notwithstanding any other provision of this subchapter, if an applicant for the license is 60 years of age or older, the department shall reduce by:

(1) 50 percent any fee required for the issuance of a duplicate or modified license under this subchapter; and

(2) $5 any fee required for the issuance of a renewed license under this subchapter.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 289 (H.B. 1038), Sec. 1, eff. September 1, 2005.

Acts 2017, 85th Leg., R.S., Ch. 179 (S.B. 16), Sec. 6, eff. September 1, 2017.

Sec. 411.1951. WAIVER OR REDUCTION OF FEES FOR MEMBERS OR VETERANS OF UNITED STATES ARMED FORCES. (a) In this section, "veteran" means a person who:

(1) has served in:

(A) the army, navy, air force, coast guard, or marine corps of the United States;

(B) the Texas military forces as defined by Section 437.001; or

(C) an auxiliary service of one of those branches of the armed forces; and

(2) has been honorably discharged from the branch of the service in which the person served.

(b) Notwithstanding any other provision of this subchapter, the department shall waive any fee required for the issuance of an original, duplicate, modified, or renewed license under this subchapter if the applicant for the license is:

(1) a member of the United States armed forces, including a member of the reserves, national guard, or state guard; or

(2) a veteran who, within 365 days preceding the date of the application, was honorably discharged from the branch of service in which the person served.

(c) Notwithstanding any other provision of this subchapter, if the applicant is a veteran who, more than 365 days preceding the date of the application, was honorably discharged from the branch of the service in which the applicant served:

(1) the applicant must pay a fee of $25 for the issuance of an original or renewed license under this subchapter; and

(2) the department shall reduce by 50 percent any fee required of the applicant for a duplicate or modified license under this subchapter.

Added by Acts 2005, 79th Leg., Ch. 486 (H.B. 322), Sec. 4, eff. September 1, 2005.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 200 (H.B. 233), Sec. 1, eff.

September 1, 2007.

Acts 2013, 83rd Leg., R.S., Ch. 251 (H.B. 485), Sec. 1, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1217 (S.B. 1536), Sec. 3.05, eff. September 1, 2013.

Sec. 411.1953. REDUCTION OF FEES FOR COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT OFFICERS AND JUVENILE PROBATION OFFICERS. Notwithstanding any other provision of this subchapter, an applicant who is serving in this state as a supervision officer, as defined by Article 42A.001, Code of Criminal Procedure, or as a juvenile probation officer shall pay a fee of $25 for the issuance of an original or renewed license under this subchapter.

Added by Acts 2015, 84th Leg., R.S., Ch. 1029 (H.B. 1376), Sec. 2, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 324 (S.B. 1488), Sec. 23.009, eff. September 1, 2017.

Sec. 411.1954. WAIVER OF CERTAIN FEES FOR CERTAIN APPLICANTS WHO HOLD CARDIOPULMONARY RESUSCITATION CERTIFICATION. (a) Notwithstanding any other provision of this subchapter, the department shall waive any fee required for the issuance of an original or renewed license under this subchapter if at the time of the application the applicant for the license submits to the department satisfactory evidence that the applicant:

(1) holds a current certification in cardiopulmonary resuscitation issued by the American Heart Association, the American Red Cross, or another nationally recognized association; and

(2) is not required to hold the certification described by Subdivision (1) as a condition of obtaining or maintaining employment or an occupational license.

(b) For purposes of Subsection (a)(2), "occupational license" means a license, certificate, registration, permit, or other form of authorization that a person must obtain to practice or engage in a particular business, occupation, or profession.

Added by Acts 2019, 86th Leg., R.S., Ch. 1280 (H.B. 1078), Sec. 1, eff. September 1, 2019.

Sec. 411.196. METHOD OF PAYMENT. A person may pay a fee required by this subchapter by cash, credit card, personal check, cashier's check, or money order. A person who pays a fee required by this subchapter by cash must pay the fee in person. Checks or money orders must be made payable to the "Texas Department of Public Safety." A person whose payment for a fee required by this subchapter is dishonored or reversed must pay any future fees required by this subchapter by cashier's check or money order made payable to the "Texas Department of Public Safety." A fee received by the department under this subchapter is nonrefundable.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1065 (H.B. 1483), Sec. 1, eff. September 1, 2005.

Sec. 411.197. RULES. The director shall adopt rules to administer this subchapter.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Sec. 411.198. LAW ENFORCEMENT OFFICER ALIAS HANDGUN LICENSE. (a) On written approval of the director, the department may issue to a law enforcement officer an alias license to carry a handgun to be used in supervised activities involving criminal investigations.

(b) Repealed by Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 26(5), eff. September 1, 2021.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 25, eff. January 1, 2016.

Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 26(5),

eff. September 1, 2021.

Sec. 411.199. HONORABLY RETIRED PEACE OFFICERS. (a) The following peace officers may apply for a license issued under this subchapter at any time after retirement:

(1) a person who is licensed as a peace officer under Chapter 1701, Occupations Code, and who has been employed full-time as a peace officer by a law enforcement agency;

(2) a railroad peace officer appointed by the director under Article 2A.005, Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement; or

(3) a special ranger of the Texas and Southwestern Cattle Raisers Association appointed by the director under Article 2A.006, Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement.

(b) The person shall submit two complete sets of legible and classifiable fingerprints and a sworn statement from the head of the law enforcement agency that employed the applicant or other former employer of the applicant, as applicable. A head of a law enforcement agency or other former employer may not refuse to issue a statement under this subsection. If the applicant alleges that the statement is untrue, the department shall investigate the validity of the statement. The statement must include:

(1) the name and rank of the applicant;

(2) the status of the applicant before retirement;

(3) whether the applicant was accused of misconduct at the time of the retirement;

(4) the physical and mental condition of the applicant;

(5) the type of weapons the applicant had demonstrated proficiency with during the last year of employment;

(6) whether the applicant would be eligible for reemployment with the agency or employer, and if not, the reasons the applicant is not eligible;

(7) a recommendation from the agency head or the employer regarding the issuance of a license under this subchapter; and

(8) whether the applicant holds a current certificate of proficiency under Section 1701.357, Occupations Code.

(c) The department may issue a license issued under this subchapter to an applicant under this section if the applicant is honorably retired and physically and emotionally fit to possess a handgun. In this subsection, "honorably retired" means the applicant:

(1) did not retire in lieu of any disciplinary action;

(2) was eligible to retire from the law enforcement agency or other former employer or was ineligible to retire only as a result of an injury received in the course of the applicant's employment; and

(3) for a peace officer described by Subsection (a)(1), is entitled to receive a pension or annuity for service as a law enforcement officer or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the applicant does not offer a pension or annuity to its employees.

(d) The department shall waive any fee required for a license issued under this subchapter to an applicant under this section.

(e) An applicant under this section who complies with Subsections (b) and (c) or Subsection (g), as applicable, and with the other requirements of this subchapter is not required to complete the classroom instruction portion of the handgun proficiency course described by Section 411.188 to obtain a license under this subchapter.

(e-1) An applicant described by Subsection (e) who holds a current certificate of proficiency under Section 1701.357, Occupations Code, is not required to complete the range instruction portion of the handgun proficiency course described by Section 411.188 to obtain a license under this subchapter.

(f) A license issued under this subchapter to an applicant under this section expires as provided by Section 411.183.

(g) A retired officer of the United States who was eligible

to carry a firearm in the discharge of the officer's official duties is eligible to apply under this section for a license issued under this subchapter. An applicant described by this subsection may submit the application at any time after retirement. The applicant shall submit with the application proper proof of retired status by presenting the following documents prepared by the agency from which the applicant retired:

(1) retirement credentials; and

(2) a letter from the agency head stating the applicant retired in good standing.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 25, Sec. 1, eff. May 3, 1999; Acts 1999, 76th Leg., ch. 62, Sec. 9.14, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 196, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.16, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 1302 (H.B. 3142), Sec. 10, eff. June 14, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1387 (H.B. 48), Sec. 5, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 1236 (S.B. 1296), Sec. 9.007, eff. September 1, 2015.

Acts 2019, 86th Leg., R.S., Ch. 141 (H.B. 2137), Sec. 1, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 908 (H.B. 3706), Sec. 1, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.090, eff. January 1, 2025.

Sec. 411.1991. PEACE OFFICERS. (a) A person may apply for a license issued under this subchapter if the person is:

(1) licensed as a peace officer under Chapter 1701, Occupations Code, and employed as a peace officer by a law enforcement agency;

(2) a railroad peace officer appointed by the director under Article 2A.005, Code of Criminal Procedure, who holds a

certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement;

(3) a special ranger of the Texas and Southwestern Cattle Raisers Association appointed by the director under Article 2A.006, Code of Criminal Procedure, who holds a certificate of authority issued by the director under that article and a peace officer license issued by the Texas Commission on Law Enforcement; or

(4) a member of the Texas military forces, excluding Texas State Guard members who are serving in the Texas Legislature.

(a-1) An applicant who is a peace officer described by Subsection (a)(1), (2), or (3) shall submit to the department:

(1) the name and rank of the applicant; and

(2) a current copy of the applicant's license issued by the Texas Commission on Law Enforcement and evidence of employment as a peace officer, railroad peace officer, or special ranger, as applicable.

(a-2) The department shall adopt rules regarding the information required to be included in an application submitted by a member of the Texas military forces under this section.

(b) The department may issue a license under this subchapter to an applicant under this section if the applicant complies with Subsection (a-1) or rules adopted under Subsection (a-2), as applicable.

(b-1) An applicant under this section who is a peace officer described by Subsection (a)(1), (2), or (3) and who complies with Subsection (a-1) and the other requirements of this subchapter is not required to complete the handgun proficiency course described by Section 411.188 to obtain a license issued under this subchapter.

(c) The department shall waive any fee required for a license issued under this subchapter to an applicant under this section.

(d) A license issued under this section expires as provided by Section 411.183.

Added by Acts 1999, 76th Leg., ch. 62, Sec. 9.15(a), eff. Sept. 1,

1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.17, eff. September 1, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 251 (H.B. 485), Sec. 3, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 251 (H.B. 485), Sec. 4, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 174 (H.B. 2604), Sec. 1, eff. September 1, 2015.

Acts 2017, 85th Leg., R.S., Ch. 179 (S.B. 16), Sec. 7, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 8, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 908 (H.B. 3706), Sec. 2, eff. September 1, 2019.

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.091, eff. January 1, 2025.

Sec. 411.1992. FORMER RESERVE LAW ENFORCEMENT OFFICERS.

(a) A person who served as a reserve law enforcement officer, as defined by Section 1701.001, Occupations Code, not less than a total of 10 years of cumulative service with one or more state or local law enforcement agencies may apply for a license under this subchapter at any time.

(b) The applicant shall submit to the department two complete sets of legible and classifiable fingerprints and a sworn statement from the head of the law enforcement agency at which the applicant last served as a reserve law enforcement officer. A head of a law enforcement agency may not refuse to issue a statement under this subsection. If the applicant alleges that the statement is untrue, the department shall investigate the validity of the statement. The statement must include:

(1) the name and rank of the applicant;

(2) the status of the applicant;

(3) whether the applicant was accused of misconduct at any time during the applicant's term of service and the disposition

of that accusation;

(4) a description of the physical and mental condition of the applicant;

(5) a list of the types of weapons the applicant demonstrated proficiency with during the applicant's term of service; and

(6) a recommendation from the agency head regarding the issuance of a license under this subchapter.

(c) The department may issue a license under this subchapter to an applicant under this section if the applicant was a reserve law enforcement officer for not less than a total of 10 years of cumulative service with one or more state or local law enforcement agencies and is physically and emotionally fit to possess a handgun.

(d) An applicant under this section must pay a fee of $25 for a license issued under this subchapter.

(e) Repealed by Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. 1552), Sec. 7(1), eff. September 1, 2019.

(f) A license issued under this section expires as provided by Section 411.183.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1080 (H.B. 3370), Sec. 1, eff. September 1, 2013.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. 1552), Sec. 5, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1234 (H.B. 1552), Sec. 7(1), eff. September 1, 2019.

Sec. 411.1993. COUNTY JAILERS. (a) In this section, "county jailer" has the meaning assigned by Section 1701.001, Occupations Code.

(b) A county jailer who holds a county jailer license issued under Chapter 1701, Occupations Code, may apply for a license under this subchapter.

(c) An applicant under this section who is a county jailer shall submit to the department:

(1) the name and job title of the applicant;

(2) a current copy of the applicant's county jailer license and evidence of employment as a county jailer; and

(3) evidence that the applicant has satisfactorily completed the preparatory training program required under Section 1701.310, Occupations Code, including the demonstration of weapons proficiency required as part of the training program under Section 1701.307 of that code.

(d) The department may issue a license under this subchapter to an applicant under this section if the applicant complies with Subsection (c) and meets all other requirements of this subchapter, except that the applicant is not required to complete the range instruction part of the handgun proficiency course described by Section 411.188 if the department is satisfied, on the basis of the evidence provided under Subsection (c)(3), that the applicant is proficient in the use of handguns.

(e) The department shall waive any fee required for a license issued under this subchapter to an applicant under this section.

(f) A license issued to an applicant under this section expires as provided by Section 411.183.

Added by Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 9, eff. September 1, 2017.

Sec. 411.1994. STATE CORRECTIONAL OFFICERS. (a) A correctional officer of the Texas Department of Criminal Justice may apply for a license under this subchapter.

(b) An applicant under this section shall submit to the department:

(1) the name and job title of the applicant;

(2) evidence of employment as a correctional officer of the Texas Department of Criminal Justice; and

(3) evidence that the applicant has satisfactorily completed the correctional officer training program offered by the Texas Department of Criminal Justice, including a demonstration of weapons proficiency.

(c) The department may issue a license under this subchapter to an applicant under this section if the applicant complies with

Subsection (b) and meets all other requirements of this subchapter, except that the applicant is not required to complete the range instruction part of the handgun proficiency course described by Section 411.188 if the department is satisfied, on the basis of the evidence provided under Subsection (b)(3), that the applicant is proficient in the use of handguns.

(d) The department shall waive any fee required for a license issued under this subchapter to an applicant under this section.

(e) A license issued to an applicant under this section expires as provided by Section 411.183.

Added by Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 9, eff. September 1, 2017.

Sec. 411.200. APPLICATION TO LICENSED SECURITY OFFICERS. This subchapter does not exempt a license holder who is also employed as a security officer and licensed under Chapter 1702, Occupations Code, from the duty to comply with Chapter 1702, Occupations Code, or Section 46.02, Penal Code.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.759, eff. Sept. 1, 2001.

Sec. 411.201. ACTIVE AND RETIRED JUDICIAL OFFICERS; CERTAIN COURT OFFICERS. (a) In this section:

(1) "Active judicial officer" means:

(A) a person serving as a judge or justice of the supreme court, the court of criminal appeals, a court of appeals, a district court, a criminal district court, a constitutional county court, a statutory county court, a statutory probate court, a justice court, or a municipal court;

(B) a federal judge who is a resident of this state; or

(C) a person appointed and serving as an associate judge under Chapter 201, Family Code.

(2) "Federal judge" means:

(A) a judge of a United States court of appeals;

(B) a judge of a United States district court;

(C) a judge of a United States bankruptcy court; or

(D) a magistrate judge of a United States district court.

(3) "Retired judicial officer" means:

(A) a visiting judge appointed to serve as the judge of a constitutional county court, a statutory county court, or a statutory probate court;

(B) a senior judge designated under Section 75.001 or a judicial officer as designated or defined by Section 75.001, 831.001, or 836.001;

(C) a retired federal judge who is a resident of this state; or

(D) a retired judge of a constitutional county court or statutory county court who served at least 48 months in a constitutional county court or statutory county court.

(b) Notwithstanding any other provision of this subchapter, the department shall issue a license under this subchapter to an active or retired judicial officer who meets the requirements of this section.

(c) An active judicial officer is eligible for a license to carry a handgun under the authority of this subchapter. A retired judicial officer is eligible for a license to carry a handgun under the authority of this subchapter if the officer:

(1) has not been convicted of a felony;

(2) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or equivalent offense;

(3) is not charged with the commission of a Class A or Class B misdemeanor or equivalent offense or of a felony under an information or indictment;

(4) is not a chemically dependent person; and

(5) is not a person of unsound mind.

(d) An applicant for a license who is an active or retired judicial officer must submit to the department:

(1) a completed application, including all required

affidavits, on a form prescribed by the department;

(2) one or more photographs of the applicant that meet the requirements of the department;

(3) two complete sets of legible and classifiable fingerprints of the applicant, including one set taken by a person employed by a law enforcement agency who is appropriately trained in recording fingerprints;

(4) evidence of handgun proficiency, in the form and manner required by the department for an applicant under this section;

(5) a nonrefundable application and license fee of $25; and

(6) if the applicant is a retired judicial officer, a form executed by the applicant that authorizes the department to make an inquiry into any noncriminal history records that are necessary to determine the applicant's eligibility for a license under this subchapter.

(e) On receipt of all the application materials required by this section, the department shall:

(1) if the applicant is an active judicial officer, issue a license to carry a handgun under the authority of this subchapter; or

(2) if the applicant is a retired judicial officer, conduct an appropriate background investigation to determine the applicant's eligibility for the license and, if the applicant is eligible, issue a license to carry a handgun under the authority of this subchapter.

(f) Except as otherwise provided by this subsection, an applicant for a license under this section must satisfy the handgun proficiency requirements of Section 411.188. The classroom instruction part of the proficiency course for an active judicial officer is not subject to a minimum hour requirement. The instruction must include instruction only on:

(1) handgun use, proficiency, and safety; and

(2) proper storage practices for handguns with an emphasis on storage practices that eliminate the possibility of accidental injury to a child.

(g) A license issued under this section expires as provided by Section 411.183 and may be renewed in accordance with Section 411.185.

(h) The department shall issue a license to carry a handgun under the authority of this subchapter to an applicant who meets the requirements of this section for an active judicial officer and who is a United States attorney or an assistant United States attorney, an attorney elected or employed to represent the state in the prosecution of felony cases, or a district or county clerk. The department shall waive any fee required for the issuance of an original, duplicate, or renewed license under this subchapter for an applicant who is a United States attorney or an assistant United States attorney, an attorney elected or employed to represent the state in the prosecution of felony cases, or a district or county clerk.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 402 (S.B. 835), Sec. 1, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1222 (H.B. 2300), Sec. 4, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.18, eff. September 1, 2009.

Acts 2011, 82nd Leg., 1st C.S., Ch. 3 (H.B. 79), Sec. 13.01, eff. September 28, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 1387 (H.B. 48), Sec. 4, eff. September 1, 2013.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 26, eff. January 1, 2016.

Acts 2015, 84th Leg., R.S., Ch. 587 (H.B. 3747), Sec. 1, eff. June 16, 2015.

Acts 2017, 85th Leg., R.S., Ch. 179 (S.B. 16), Sec. 8, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1143 (H.B. 435), Sec. 4, eff. September 1, 2017.

Acts 2023, 88th Leg., R.S., Ch. 1077 (S.B. 599), Sec. 2, eff.

September 1, 2023.

Acts 2023, 88th Leg., R.S., Ch. 1077 (S.B. 599), Sec. 3, eff. September 1, 2023.

Acts 2025, 89th Leg., R.S., Ch. 560 (H.B. 1506), Sec. 1, eff. September 1, 2025.

Acts 2025, 89th Leg., R.S., Ch. 782 (S.B. 890), Sec. 1, eff. September 1, 2025.

Sec. 411.202. LICENSE A BENEFIT. The issuance of a license under this subchapter is a benefit to the license holder for purposes of those sections of the Penal Code to which the definition of "benefit" under Section 1.07, Penal Code, applies.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Sec. 411.203. RIGHTS OF EMPLOYERS. This subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter from carrying a handgun on the premises of the business. In this section, "premises" has the meaning assigned by Section 46.03, Penal Code.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 1058 (S.B. 321), Sec. 2, eff. September 1, 2011.

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 27, eff. January 1, 2016.

Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 9, eff. September 1, 2021.

Sec. 411.2031. CARRYING OF HANDGUNS BY LICENSE HOLDERS ON CERTAIN CAMPUSES. (a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.

(2) "Institution of higher education" and "private or

independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(3) "Premises" has the meaning assigned by Section 46.03, Penal Code.

(b) A license holder may carry a concealed handgun on or about the license holder's person while the license holder is on the campus of an institution of higher education or private or independent institution of higher education in this state.

(c) Except as provided by Subsection (d), (d-1), or (e), an institution of higher education or private or independent institution of higher education in this state may not adopt any rule, regulation, or other provision prohibiting license holders from carrying handguns on the campus of the institution.

(d) An institution of higher education or private or independent institution of higher education in this state may establish rules, regulations, or other provisions concerning the storage of handguns in dormitories or other residential facilities that are owned or leased and operated by the institution and located on the campus of the institution.

(d-1) After consulting with students, staff, and faculty of the institution regarding the nature of the student population, specific safety considerations, and the uniqueness of the campus environment, the president or other chief executive officer of an institution of higher education in this state shall establish reasonable rules, regulations, or other provisions regarding the carrying of concealed handguns by license holders on the campus of the institution or on premises located on the campus of the institution. The president or officer may not establish provisions that generally prohibit or have the effect of generally prohibiting license holders from carrying concealed handguns on the campus of the institution. The president or officer may amend the provisions as necessary for campus safety. The provisions take effect as determined by the president or officer unless subsequently amended by the board of regents or other governing board under Subsection (d-2). The institution must give effective notice under Section 30.06, Penal Code, with respect to any portion of a premises on which license holders may not carry.

(d-2) Not later than the 90th day after the date that the rules, regulations, or other provisions are established as described by Subsection (d-1), the board of regents or other governing board of the institution of higher education shall review the provisions. The board of regents or other governing board may, by a vote of not less than two-thirds of the board, amend wholly or partly the provisions established under Subsection (d-1). If amended under this subsection, the provisions are considered to be those of the institution as established under Subsection (d-1).

(d-3) An institution of higher education shall widely distribute the rules, regulations, or other provisions described by Subsection (d-1) to the institution's students, staff, and faculty, including by prominently publishing the provisions on the institution's Internet website.

(d-4) Not later than September 1 of each even-numbered year, each institution of higher education in this state shall submit a report to the legislature and to the standing committees of the legislature with jurisdiction over the implementation and continuation of this section that:

(1) describes its rules, regulations, or other provisions regarding the carrying of concealed handguns on the campus of the institution; and

(2) explains the reasons the institution has established those provisions.

(e) A private or independent institution of higher education in this state, after consulting with students, staff, and faculty of the institution, may establish rules, regulations, or other provisions prohibiting license holders from carrying handguns on the campus of the institution, any grounds or building on which an activity sponsored by the institution is being conducted, or a passenger transportation vehicle owned by the institution.

Added by Acts 2015, 84th Leg., R.S., Ch. 438 (S.B. 11), Sec. 1, eff. August 1, 2016.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 10, eff. September 1, 2021.

Sec. 411.2032. TRANSPORTATION AND STORAGE OF FIREARMS AND AMMUNITION BY LICENSE HOLDERS IN PRIVATE VEHICLES ON CERTAIN CAMPUSES. (a) For purposes of this section:

(1) "Campus" means all land and buildings owned or leased by an institution of higher education or private or independent institution of higher education.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

(b) An institution of higher education or private or independent institution of higher education in this state may not adopt or enforce any rule, regulation, or other provision or take any other action, including posting notice under Section 30.06 or 30.07, Penal Code, prohibiting or placing restrictions on the storage or transportation of a firearm or ammunition in a locked, privately owned or leased motor vehicle by a person, including a student enrolled at that institution, who holds a license to carry a handgun under this subchapter and lawfully possesses the firearm or ammunition:

(1) on a street or driveway located on the campus of the institution; or

(2) in a parking lot, parking garage, or other parking area located on the campus of the institution.

Added by Acts 2013, 83rd Leg., R.S., Ch. 1248 (S.B. 1907), Sec. 1, eff. September 1, 2013.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 437 (H.B. 910), Sec. 28, eff. January 1, 2016.

Sec. 411.204. NOTICE REQUIRED ON CERTAIN PREMISES. (a) A business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, and that derives 51 percent or more of its income from the sale of alcoholic beverages for on-premises consumption as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code, shall prominently display at each entrance to the business premises

a sign that complies with the requirements of Subsection (c).

(b) A hospital licensed under Chapter 241, Health and Safety Code, or a nursing home licensed under Chapter 242, Health and Safety Code, shall prominently display at each entrance to the hospital or nursing home, as appropriate, a sign that complies with the requirements of Subsection (c) other than the requirement that the sign include on its face the number "51".

(c) The sign required under Subsections (a) and (b) must give notice in both English and Spanish that it is unlawful for a person licensed under this subchapter to carry a handgun on the premises. The sign must appear in contrasting colors with block letters at least one inch in height and must include on its face the number "51" printed in solid red at least five inches in height. The sign shall be displayed in a conspicuous manner clearly visible to the public.

(d) Repealed by Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 26(6), eff. September 1, 2021.

(e) This section does not apply to a business that has a food and beverage certificate issued under the Alcoholic Beverage Code.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.16(a), eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 523, Sec. 1, eff. June 18, 1999.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 26(6), eff. September 1, 2021.

Sec. 411.205. REQUIREMENT TO DISPLAY LICENSE. If a license holder is carrying a handgun on or about the license holder's person when a magistrate or a peace officer demands that the license holder display identification, the license holder shall display:

(1) both the license holder's driver's license or identification certificate issued by the department and the license holder's handgun license; and

(2) if the license holder's handgun license bears a protective order designation, a copy of the applicable court order under which the license holder is protected.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 9.17(a), eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 12A.02, eff. September 1, 2009.

Acts 2021, 87th Leg., R.S., Ch. 203 (H.B. 918), Sec. 4, eff. September 1, 2021.

Sec. 411.206. SEIZURE OF HANDGUN AND LICENSE. (a) If a peace officer arrests and takes into custody a license holder who is carrying a handgun under the authority of this subchapter, the officer shall seize the license holder's handgun and license as evidence.

(b) The provisions of Article 18.19, Code of Criminal Procedure, relating to the disposition of weapons seized in connection with criminal offenses, apply to a handgun seized under this subsection.

(c) Repealed by Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 26(7), eff. September 1, 2021.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 26(7), eff. September 1, 2021.

Sec. 411.207. AUTHORITY OF PEACE OFFICER TO DISARM. (a) A peace officer who is acting in the lawful discharge of the officer's official duties may disarm a license holder at any time the officer reasonably believes it is necessary for the protection of the license holder, officer, or another individual. The peace officer shall return the handgun to the license holder before discharging the license holder from the scene if the officer determines that the license holder is not a threat to the officer, license holder, or another individual and if the license holder has not violated any provision of this subchapter or committed any other violation that results in the arrest of the license holder.

(b) A peace officer who is acting in the lawful discharge of the officer's official duties may temporarily disarm a license holder when a license holder enters a nonpublic, secure portion of a law enforcement facility, if the law enforcement agency provides a gun locker where the peace officer can secure the license holder's handgun. The peace officer shall secure the handgun in the locker and shall return the handgun to the license holder immediately after the license holder leaves the nonpublic, secure portion of the law enforcement facility.

(c) A law enforcement facility shall prominently display at each entrance to a nonpublic, secure portion of the facility a sign that gives notice in both English and Spanish that, under this section, a peace officer may temporarily disarm a license holder when the license holder enters the nonpublic, secure portion of the facility. The sign must appear in contrasting colors with block letters at least one inch in height. The sign shall be displayed in a clearly visible and conspicuous manner.

(d) In this section:

(1) "Law enforcement facility" means a building or a portion of a building used exclusively by a law enforcement agency that employs peace officers as described by Articles 2.12(1) and (3), Code of Criminal Procedure, and support personnel to conduct the official business of the agency. The term does not include:

(A) any portion of a building not actively used exclusively to conduct the official business of the agency; or

(B) any public or private driveway, street, sidewalk, walkway, parking lot, parking garage, or other parking area.

(2) "Nonpublic, secure portion of a law enforcement facility" means that portion of a law enforcement facility to which the general public is denied access without express permission and to which access is granted solely to conduct the official business of the law enforcement agency.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 572 (S.B. 1709), Sec. 1, eff.

September 1, 2007.

Sec. 411.208. LIMITATION OF LIABILITY. (a) A court may not hold the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, a qualified handgun instructor, or an approved online course provider liable for damages caused by:

(1) an action authorized under this subchapter or a failure to perform a duty imposed by this subchapter; or

(2) the actions of an applicant or license holder that occur after the applicant has received a license or been denied a license under this subchapter.

(b) A cause of action in damages may not be brought against the state, an agency or subdivision of the state, an officer or employee of the state, an institution of higher education, an officer or employee of an institution of higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), a peace officer, a qualified handgun instructor, or an approved online course provider for any damage caused by the actions of an applicant or license holder under this subchapter.

(c) The department is not responsible for any injury or damage inflicted on any person by an applicant or license holder arising or alleged to have arisen from an action taken by the department under this subchapter.

(d) The immunities granted under Subsections (a), (b), and (c) do not apply to:

(1) an act or a failure to act by the state, an agency or subdivision of the state, an officer of the state, an institution of higher education, an officer or employee of an institution of

higher education, a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), an officer or employee of a private or independent institution of higher education that has not adopted rules under Section 411.2031(e), or a peace officer if the act or failure to act was capricious or arbitrary; or

(2) any officer or employee of an institution of higher education or private or independent institution of higher education described by Subdivision (1) who possesses a handgun on the campus of that institution and whose conduct with regard to the handgun is made the basis of a claim for personal injury or property damage.

(e) The immunities granted under Subsection (a) to a qualified handgun instructor or approved online course provider do not apply to a cause of action for fraud or a deceptive trade practice.

(f) For purposes of this section:

(1) "Campus" has the meaning assigned by Section 411.2031.

(2) "Institution of higher education" and "private or independent institution of higher education" have the meanings assigned by Section 61.003, Education Code.

Added by Acts 1997, 75th Leg., ch. 165, Sec. 10.01(a), eff. Sept. 1, 1997.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 11.19, eff. September 1, 2009.

Acts 2015, 84th Leg., R.S., Ch. 438 (S.B. 11), Sec. 2, eff. August 1, 2016.

Acts 2017, 85th Leg., R.S., Ch. 1099 (H.B. 3784), Sec. 10, eff. September 1, 2017.

Sec. 411.209. WRONGFUL EXCLUSION OF HANDGUN LICENSE HOLDER. (a) Except as provided by Subsection (i), a state agency or a political subdivision of the state may not take any action, including an action consisting of the provision of notice by a communication described by Section 30.06 or 30.07, Penal Code, that

states or implies that a license holder who is carrying a handgun under the authority of this subchapter is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are prohibited from carrying a handgun on the premises or other place by Section 46.03, Penal Code, or other law.

(b) A state agency or a political subdivision of the state that violates Subsection (a) is liable for a civil penalty of:

(1) not less than $1,000 and not more than $1,500 for the first violation; and

(2) not less than $10,000 and not more than $10,500 for the second or a subsequent violation.

(c) Each day of a continuing violation of Subsection (a) constitutes a separate violation.

(d) A resident of this state or a person licensed to carry a handgun under this subchapter may file a complaint with the attorney general that a state agency or political subdivision is in violation of Subsection (a) if the resident or license holder provides the agency or subdivision a written notice that describes the location and general facts of the violation and the agency or subdivision does not cure the violation before the end of the third business day after the date of receiving the written notice. A complaint filed with the attorney general under this subsection must include evidence of the violation and a copy of the written notice provided to the agency or subdivision.

(e) A civil penalty collected by the attorney general under this section shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter J, Chapter 56B, Code of Criminal Procedure.

(f) Before a suit may be brought against a state agency or a political subdivision of the state for a violation of Subsection (a), the attorney general must investigate the complaint to determine whether legal action is warranted. If legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that:

(1) describes the violation;

(2) states the amount of the proposed penalty for the violation; and

(3) gives the agency or political subdivision 15 days from receipt of the notice to cure the violation to avoid the penalty, unless the agency or political subdivision was found liable by a court for previously violating Subsection (a).

(g) If the attorney general determines that legal action is warranted and that the state agency or political subdivision has not cured the violation within the 15-day period provided by Subsection (f)(3), the attorney general or the appropriate county or district attorney may sue to collect the civil penalty provided by Subsection (b). The attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief. A suit or petition under this subsection may be filed in a district court in Travis County or in a county in which the principal office of the state agency or political subdivision is located. The attorney general may recover reasonable expenses incurred in obtaining relief under this subsection, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(h) Sovereign immunity to suit is waived and abolished to the extent of liability created by this section.

(i) Subsection (a) does not apply to a written notice provided by a state hospital under Section 552.002, Health and Safety Code.

(j) In this section, "premises" has the meaning assigned by Section 46.03, Penal Code.

Added by Acts 2015, 84th Leg., R.S., Ch. 593 (S.B. 273), Sec. 1, eff. September 1, 2015.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 1143 (H.B. 435), Sec. 5, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 1143 (H.B. 435), Sec. 6, eff. September 1, 2017.

Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 2.44, eff. January 1, 2021.

Acts 2019, 86th Leg., R.S., Ch. 784 (H.B. 1791), Sec. 1, eff.

September 1, 2019.

Acts 2021, 87th Leg., R.S., Ch. 809 (H.B. 1927), Sec. 11, eff. September 1, 2021.

SUBCHAPTER I. INTERNAL OVERSIGHT

Sec. 411.241. OFFICE OF AUDIT AND REVIEW. The commission shall establish the office of audit and review. The office shall coordinate activities designed to promote effectiveness in departmental operations and to keep the commission and the legislature fully informed about deficiencies within the department. The office shall:

(1) inspect and audit departmental programs and operations for efficiency, uniformity, and compliance with established procedures and develop recommendations for improvement;

(2) coordinate and be responsible for promoting accountability, integrity, and efficiency in the department; and

(3) provide the commission with information relevant to its oversight of the department.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 16, eff. Sept. 1, 1999.

Sec. 411.242. DIRECTOR OF AUDIT AND REVIEW. (a) The commission shall appoint the director of the office of audit and review. The director of audit and review serves until removed by the commission.

(b) The director of audit and review must satisfy the requirements to be the agency's internal auditor under Section 2102.006(b) and is considered to be the agency's internal auditor for purposes of Chapter 2102.

(c) The department shall provide the director of audit and review with access to any records, data, or other information necessary to fulfill the purposes of this section and Section 411.243.

(d) The director of audit and review shall, with the advice and consent of the commission, determine which audits and

inspections to perform and may publish the findings and recommendations of the office of audit and review.

(e) The director of audit and review shall:

(1) report to the commission regarding audits and inspections planned and the status and findings of those audits and inspections; and

(2) report to the director for administrative purposes and keep the director informed of the office's findings.

Added by Acts 1999, 76th Leg., ch. 1189, Sec. 16, eff. Sept. 1, 1999.

Sec. 411.243. POWERS AND DUTIES. (a) The office of audit and review shall:

(1) independently and objectively inspect all divisions of the department to:

(A) ensure that operations are conducted efficiently, uniformly, and in compliance with established procedures; and

(B) make recommendations for improvements in operational performance;

(2) independently and objectively audit all divisions of the department to:

(A) promote economy, effectiveness, and efficiency within the department;

(B) prevent and detect fraud, waste, and abuse in department programs and operations; and

(C) make recommendations about the adequacy and effectiveness of the department's system of internal control policies and procedures;

(3) advise in the development and evaluation of the department's performance measures;

(4) review actions taken by the department to improve program performance and make recommendations for improvement;

(5) review and make recommendations to the commission and the legislature regarding rules, laws, and guidelines relating to department programs and operations;

(6) keep the commission, director, and legislature

fully informed of problems in department programs and operations; and

(7) ensure effective coordination and cooperation among the state auditor's office, legislative oversight committees, and other governmental bodies while attempting to avoid duplication.

(b) Chapter 2102 applies to the office of audit and review. Added by Acts 1999, 76th Leg., ch. 1189, Sec. 16, eff. Sept. 1, 1999.

SUBCHAPTER I-1. OFFICE OF INSPECTOR GENERAL

Sec. 411.251. ESTABLISHMENT AND PURPOSE. (a) The commission shall establish the office of inspector general.

(b) The office of inspector general is responsible for:

(1) acting to prevent and detect serious breaches of departmental policy, fraud, and abuse of office, including any acts of criminal conduct within the department; and

(2) independently and objectively reviewing, investigating, delegating, and overseeing the investigation of:

(A) conduct described in Subdivision (1);

(B) criminal activity occurring in all divisions of the department;

(C) allegations of wrongdoing by department employees;

(D) crimes committed on department property; and

(E) serious breaches of department policy.

Transferred, redesignated and amended from Government Code, Section 411.244 by Acts 2011, 82nd Leg., R.S., Ch. 1308 (H.B. 3099), Sec. 2, eff. September 1, 2011.

Sec. 411.252. OVERSIGHT OF INVESTIGATIONS. (a) The office of inspector general has departmental jurisdiction for oversight and coordination over all investigations occurring on department property or involving department employees.

(b) The office shall coordinate and provide oversight, but is not required to conduct all investigations under this

subchapter.

(c) The inspector general shall delegate any investigation considered potentially appropriate for criminal prosecution to the Texas Ranger division or the criminal investigations division of the department for investigation or referral back to the inspector general for further action.

(d) The inspector general shall continually monitor an investigation referred to another division of the department under Subsection (c), and the inspector general and the division shall report to the commission on the status of the investigation while pending.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1308 (H.B. 3099), Sec. 2, eff. September 1, 2011.

Sec. 411.253. INITIATION OF INVESTIGATIONS. The office of inspector general may only initiate an investigation based on:

(1) authorization from the commission;

(2) approval of the inspector general or deputy inspector general;

(3) approval of the director, a deputy director, an assistant director of the Texas Rangers, or an assistant director of the criminal investigations division for criminal investigations; or

(4) commission rules or approved commission policies.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1308 (H.B. 3099), Sec. 2, eff. September 1, 2011.

Sec. 411.254. COMMISSION APPOINTMENT AND OVERSIGHT. (a) The commission shall appoint the inspector general and may appoint a deputy inspector general. The inspector general serves until removed by the commission.

(b) The inspector general is not required to be a peace officer as defined by Article 2A.001, Code of Criminal Procedure. The commission or director may commission the inspector general as a commissioned peace officer of the department if the inspector general holds a permanent peace officer license issued under Chapter 1701, Occupations Code.

(c) The commission has direct oversight over the office of inspector general, including decisions regarding budget and staffing. The inspector general shall coordinate with the director for administrative support as provided by the commission.

(d) The commission shall establish policies to ensure that the commission continues to oversee the office of inspector general as required by this section and to ensure that the office of inspector general retains and exercises its original jurisdiction under Section 411.252.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1308 (H.B. 3099), Sec. 2, eff. September 1, 2011.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.092, eff. January 1, 2025.

Sec. 411.255. REPORTS. (a) The inspector general shall report directly to the commission regarding performance of and activities related to investigations and provide the director with information regarding investigations as appropriate.

(b) The inspector general shall present at each regularly scheduled commission meeting and at other appropriate times:

(1) reports of investigations; and

(2) a summary of information relating to investigations conducted under this subchapter that includes analysis of the number, type, and outcome of investigations, trends in the investigations, and recommendations to avoid future complaints.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1308 (H.B. 3099), Sec. 2, eff. September 1, 2011.

Sec. 411.256. AUTHORITY OF STATE AUDITOR. This chapter or other law related to the operation of the department's office of inspector general does not preempt the authority of the state auditor to conduct an audit or investigation under Chapter 321 or other law.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1308 (H.B. 3099), Sec. 2, eff. September 1, 2011.

SUBCHAPTER J. UNSOLVED CRIMES INVESTIGATION PROGRAM

Sec. 411.261. DEFINITIONS. In this subchapter:

(1) "Attorney representing the state" means a district attorney, criminal district attorney, or county attorney performing the duties of a district attorney.

(2) "Unsolved crime" means a criminal offense:

(A) that is an unsolved homicide or an unsolved felony that is one offense arising out of the same criminal episode as other unsolved felonies; and

(B) the investigation of which requires a level of expertise that is not readily available to local law enforcement agencies.

Added by Acts 2001, 77th Leg., ch. 1043, Sec. 1, eff. Sept. 1, 2001.

Sec. 411.262. UNSOLVED CRIMES INVESTIGATION PROGRAM. (a) The unsolved crimes investigation program is an investigative program within the department.

(b) The program is a function of the Texas Rangers and will be commanded by the chief of the Texas Rangers.

(c) The director may employ commissioned peace officers and noncommissioned employees to perform duties required of the program.

(d) To be eligible for employment under this section, a peace officer must be a sergeant or higher-ranked officer of the Texas Rangers and must have two or more years of experience in the investigation of homicides or other major felonies.

(e) To be eligible for employment under this section, a noncommissioned employee must meet the experience, training, and educational qualifications set by the director as requirements for investigating or assisting in the investigation of an unsolved crime.

Added by Acts 2001, 77th Leg., ch. 1043, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 7.02, eff. June 19, 2009.

Sec. 411.263. ASSISTANCE ON REQUEST. On the request of an attorney representing the state and with the approval of the director, employees of the unsolved crimes investigation program of the department may assist local law enforcement in the investigation of crime.

Added by Acts 2001, 77th Leg., ch. 1043, Sec. 1, eff. Sept. 1, 2001.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1146 (H.B. 2730), Sec. 7.03, eff. June 19, 2009.

SUBCHAPTER K. DEPARTMENT OF PUBLIC SAFETY HISTORICAL MUSEUM AND RESEARCH CENTER

Sec. 411.281. DEFINITION. In this subchapter, "museum" means the nonprofit organization, known as the Department of Public Safety Historical Museum and Research Center, established by employees and former employees of the department for the purposes of creating and operating a museum and research facility to:

(1) inform the public about the personnel and history of the department; and

(2) educate young people about law enforcement procedures through an interactive facility.

Added by Acts 2001, 77th Leg., ch. 463, Sec. 1, eff. Sept. 1, 2001. Renumbered from Government Code Sec. 411.301 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(59), eff. Sept. 1, 2003.

Sec. 411.282. GENERAL PROVISIONS. The commission may:

(1) establish a support staff in the department to assist the museum;

(2) use department property to fulfill the purposes of this subchapter; and

(3) enter into a contract with the museum.

Added by Acts 2001, 77th Leg., ch. 463, Sec. 1, eff. Sept. 1, 2001. Renumbered from Government Code Sec. 411.302 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(59), eff. Sept. 1, 2003.

Sec. 411.283. PERSONNEL. (a) The director may appoint and assign duties to department personnel to serve as paid support staff for the museum.

(b) The support staff may consist of a historian, a librarian, and other personnel as needed to administer the museum.

(c) The department may spend funds to hire support staff.

Added by Acts 2001, 77th Leg., ch. 463, Sec. 1, eff. Sept. 1, 2001. Renumbered from Government Code Sec. 411.303 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(59), eff. Sept. 1, 2003.

Sec. 411.284. FUNDING. (a) The Department of Public Safety Historical Museum and Research Center account is created as a special account outside the state treasury to be held at the Department of Public Safety Credit Union and to be administered by the commission. The money in the account may be used only to administer this subchapter.

(b) The account is composed of gifts, grants, and donations collected by the department from any public or private source for the purposes of this subchapter.

Added by Acts 2001, 77th Leg., ch. 463, Sec. 1, eff. Sept. 1, 2001. Renumbered from Government Code Sec. 411.304 by Acts 2003, 78th Leg., ch. 1275, Sec. 2(59), eff. Sept. 1, 2003.

SUBCHAPTER K-1. POWER OUTAGE ALERT

Sec. 411.301. POWER OUTAGE ALERT. (a) With the cooperation of the Texas Department of Transportation, the Texas Division of Emergency Management, the office of the governor, and the Public Utility Commission of Texas, the department shall develop and implement an alert to be activated when the power supply in this state may be inadequate to meet demand.

(b) The Public Utility Commission of Texas by rule shall adopt criteria for the content, activation, and termination of the alert described by Subsection (a). The criteria must provide for an alert to be regional or statewide.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 1, eff. June 8, 2021.

Sec. 411.302. ADMINISTRATION. (a) The director is the statewide coordinator of the power outage alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the power outage alert. The rules and directives must include the procedures to be used by the Public Utility Commission of Texas and the independent organization certified under Section 39.151, Utilities Code, to communicate with the director about the power outage alert.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 1, eff. June 8, 2021.

Sec. 411.303. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the power outage alert system.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 1, eff. June 8, 2021.

Sec. 411.304. STATE AGENCIES. (a) A state agency participating in the power outage alert system shall:

(1) cooperate with the department and assist in developing and implementing the alert system; and

(2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the power outage alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 1, eff. June 8, 2021.

Sec. 411.305. ACTIVATION OF POWER OUTAGE ALERT. (a) When

the Public Utility Commission of Texas or an independent organization certified under Section 39.151, Utilities Code, notifies the department that the criteria adopted under Section 411.301(b) for the activation of the alert has been met, the department shall confirm the accuracy of the information and, if confirmed, immediately issue a power outage alert under this subchapter in accordance with department rules.

(b) In issuing the power outage alert, the department shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 1, eff. June 8, 2021.

Sec. 411.306. CONTENT OF POWER OUTAGE ALERT. The power outage alert must include a statement that electricity customers may experience a power outage.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 1, eff. June 8, 2021.

Sec. 411.307. TERMINATION OF POWER OUTAGE ALERT. The director shall terminate any activation of the power outage alert as soon as practicable after the Public Utility Commission of Texas or the Electric Reliability Council of Texas notifies the department that the criteria adopted under Section 411.301(b) for the termination of the alert has been met.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 1, eff. June 8, 2021.

Sec. 411.308. LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.304(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if that department receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would

result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

Added by Acts 2021, 87th Leg., R.S., Ch. 426 (S.B. 3), Sec. 1, eff. June 8, 2021.

SUBCHAPTER L. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND MISSING PERSONS WITH INTELLECTUAL DISABILITIES

Sec. 411.351. DEFINITIONS.

In this subchapter:

(1) "Abducted child" means a child 17 years of age or younger whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the child, as determined by a local law enforcement agency.

(2) "Alert system" means the statewide America's Missing: Broadcast Emergency Response (AMBER) alert system for abducted children and missing persons with intellectual disabilities.

(2-a) "Intellectual disability" means significantly subaverage general intellectual functioning that is concurrent with deficits in adaptive behavior and originates during the developmental period. The term includes a pervasive developmental disorder.

(3) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of:

(A) the abduction of a child; or

(B) a missing person with an intellectual disability.

(3-a) "Pervasive developmental disorder" means a disorder that meets the criteria for a pervasive developmental disorder established in the most recent Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

(4) "Serious bodily injury" has the meaning assigned by Section 1.07, Penal Code.

Added by Acts 2003, 78th Leg., ch. 789, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 737 (H.B. 1075), Sec. 2, eff. September 1, 2011.

Sec. 411.352. STATEWIDE AMERICA'S MISSING: BROADCAST EMERGENCY RESPONSE (AMBER) ALERT SYSTEM FOR ABDUCTED CHILDREN AND MISSING PERSONS WITH INTELLECTUAL DISABILITIES. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide alert system to be activated on behalf of an abducted child or a missing person with an intellectual disability.

Added by Acts 2003, 78th Leg., ch. 789, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 737 (H.B. 1075), Sec. 3, eff. September 1, 2011.

Sec. 411.353. ADMINISTRATION. (a) The director is the statewide coordinator of the alert system.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives must include instructions on the procedures for activating and deactivating the alert system.

(c) The director shall prescribe forms for use by local law enforcement agencies in requesting activation of the alert system.

Added by Acts 2003, 78th Leg., ch. 789, Sec. 1, eff. June 20, 2003.

Sec. 411.354. DEPARTMENT TO RECRUIT PARTICIPANTS. (a) The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

(b) The department may enter into agreements with participants in the alert system to provide necessary support for the alert system.

Added by Acts 2003, 78th Leg., ch. 789, Sec. 1, eff. June 20, 2003.

Sec. 411.355. ACTIVATION. (a) On the request of a local law enforcement agency regarding an abducted child, the department shall activate the alert system and notify appropriate participants in the alert system, as established by rule, if:

(1) the local law enforcement agency believes that a child has been abducted, including a child who:

(A) is younger than 14 years of age; and

(B) regardless of whether the child departed willingly with the other person, has been taken from the care and custody of the child's parent or legal guardian without the permission of the parent or legal guardian by another person who is:

(i) more than three years older than the child; and

(ii) not related to the child by any degree of consanguinity or affinity as defined under Subchapter B, Chapter 573, Government Code;

(2) the local law enforcement agency believes that the abducted child is in immediate danger of serious bodily injury or death or of becoming the victim of a sexual assault;

(3) the local law enforcement agency confirms that a preliminary investigation has taken place that verifies the abduction and eliminates alternative explanations for the child's disappearance; and

(4) sufficient information is available to disseminate to the public that could assist in locating the child, a person suspected of abducting the child, or a vehicle suspected of being used in the abduction.

(b) On the request of a local law enforcement agency regarding a missing person with an intellectual disability, the department shall activate the alert system and notify appropriate participants in the alert system, as established by rule, if:

(1) the local law enforcement agency receives notice of a missing person with an intellectual disability;

(2) the local law enforcement agency verifies that at the time the person is reported missing:

(A) the person has an intellectual disability, as determined according to the procedure provided by Section 593.005,

Health and Safety Code; and

(B) the person's location is unknown;

(3) the local law enforcement agency determines that the person's disappearance poses a credible threat to the person's health and safety; and

(4) sufficient information is available to disseminate to the public that could assist in locating the person.

(c) The department may modify the criteria described by Subsection (a) or (b) as necessary for the proper implementation of the alert system.

Added by Acts 2003, 78th Leg., ch. 789, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1404 (H.B. 3385), Sec. 1, eff. June 19, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 737 (H.B. 1075), Sec. 4, eff. September 1, 2011.

Sec. 411.3555. LOCAL AREA ACTIVATION FOR CERTAIN MISSING CHILDREN. On the request of a local law enforcement agency that knows a child is missing but has not verified the criteria described by Section 411.355(a), and if the chief law enforcement officer of the local law enforcement agency believes that activation of the alert system is warranted, the department shall:

(1) activate the alert system only in the following areas:

(A) within a 100-mile radius of the location from which the child is believed to have gone missing or the location in which the child was last seen, as applicable; and

(B) in all counties adjacent to the county from which the child is believed to have gone missing or the county in which the child was last seen, as applicable; and

(2) notify appropriate participants in the alert system, as established by rule.

Added by Acts 2023, 88th Leg., R.S., Ch. 863 (H.B. 3556), Sec. 1, eff. June 13, 2023.

Sec. 411.356. LOCAL LAW ENFORCEMENT AGENCIES. Before

requesting activation of the alert system, a local law enforcement agency must verify that the criteria described by Section 411.355(a) or (b) or 411.3555, as applicable, have been satisfied. On verification of the applicable criteria, the local law enforcement agency shall immediately contact the department to request activation and shall supply the necessary information on the forms prescribed by the director.

Added by Acts 2003, 78th Leg., ch. 789, Sec. 1, eff. June 20, 2003.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 737 (H.B. 1075), Sec. 5, eff. September 1, 2011.

Acts 2023, 88th Leg., R.S., Ch. 863 (H.B. 3556), Sec. 2, eff. June 13, 2023.

Sec. 411.357. STATE AGENCIES. (a) A state agency participating in the alert system shall:

(1) cooperate with the department and assist in developing and implementing the alert system; and

(2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Added by Acts 2003, 78th Leg., ch. 789, Sec. 1, eff. June 20, 2003.

Sec. 411.358. TERMINATION. The director shall terminate any activation of the alert system with respect to a particular abducted child or a particular missing person with an intellectual disability if:

(1) the abducted child or missing person is recovered or the situation is otherwise resolved; or

(2) the director determines that the alert system is no longer an effective tool for locating and recovering the abducted child or missing person.

Added by Acts 2003, 78th Leg., ch. 789, Sec. 1, eff. June 20, 2003.
Amended by:

Acts 2011, 82nd Leg., R.S., Ch. 737 (H.B. 1075), Sec. 6, eff. September 1, 2011.

Sec. 411.359. SYSTEM NAME. The director by rule may assign a name other than America's Missing: Broadcast Emergency Response (AMBER) to the alert system when the system is activated regarding a missing person with an intellectual disability.
Added by Acts 2011, 82nd Leg., R.S., Ch. 737 (H.B. 1075), Sec. 7, eff. September 1, 2011.

SUBCHAPTER L-1. TEXAS ACTIVE SHOOTER ALERT SYSTEM

Sec. 411.371. DEFINITION. In this subchapter, "alert system" means the Texas Active Shooter Alert System established under this subchapter.
Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

Sec. 411.372. DEVELOPMENT AND IMPLEMENTATION OF ALERT SYSTEM. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement an alert system to be activated on report of an active shooter.
Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

Sec. 411.373. ADMINISTRATION. (a) The director is the statewide coordinator of the alert system.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives must include instructions on the procedures for activating and deactivating the alert system.

(c) The director shall prescribe forms for local law enforcement agencies to use in requesting activation of the alert

system.

Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

Sec. 411.3735. CERTIFICATION AND CONTINUING EDUCATION REQUIRED FOR CERTAIN PUBLIC INFORMATION OFFICERS. (a) In this section:

(1) "Division" means the Texas Division of Emergency Management.

(2) "Public information officer" means an individual who is employed or appointed by a state agency or local government entity and whose duties include communicating with the public during a disaster regarding the disaster.

(b) Each of the following entities shall employ or appoint a public information officer who must obtain certification in emergency communications from the division and complete continuing education on emergency communications as provided by Subchapter K, Chapter 418:

(1) a municipal police department;

(2) a sheriff's office;

(3) a county constable's office;

(4) a school district police department; and

(5) the department.

(c) The chief administrative officer of an agency may be appointed or employed as a public information officer.

Added by Acts 2025, 89th Leg., R.S., Ch. 361 (H.B. 33), Sec. 9, eff. September 1, 2025.

Sec. 411.374. DEPARTMENT TO RECRUIT PARTICIPANTS. (a) The department shall recruit public and commercial television and radio broadcasters, mobile telephone service providers by use of the federal Wireless Emergency Alert system, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

(b) The department may enter into agreements with participants in the alert system to provide necessary support for

the alert system.

Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

Sec. 411.375. ACTIVATION. (a) On the request of a local law enforcement agency or as the department determines appropriate to assist a local law enforcement agency regarding an active shooter, the department shall activate the alert system and notify appropriate participants in the alert system as established by rule if the local law enforcement agency or department:

(1) believes an active shooter is in the agency's jurisdiction;

(2) determines an active shooter alert would assist individuals near the active shooter's location;

(3) verifies the active shooter situation through a preliminary investigation; and

(4) provides the active shooter's last known location and any identifiable information for the active shooter.

(b) The department may modify the criteria described by Subsection (a) as necessary for the proper implementation of the alert system.

Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

Sec. 411.376. LOCAL LAW ENFORCEMENT AGENCIES. Before requesting activation of the alert system, a local law enforcement agency must verify that the criteria described by Section 411.375(a) have been satisfied. On verification of the applicable criteria, the local law enforcement agency may immediately contact the department to request activation and supply the necessary information on forms prescribed by the director.

Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

Sec. 411.377. STATE AGENCIES. (a) A state agency participating in the alert system shall:

(1) cooperate with the department and assist in

developing and implementing the alert system; and

(2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, on activation of the alert system.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public within 50 miles of an active shooter for which an alert has been issued through an existing system of dynamic message signs located across the state.

Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

Sec. 411.378. LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.377(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if the Texas Department of Transportation receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

Sec. 411.379. TERMINATION. The director shall terminate any activation of the alert system for a particular active shooter if:

(1) the active shooter situation is resolved; or

(2) the director or a local law enforcement agency determines the alert system is no longer an effective tool for providing relevant information to the public about the active shooter.

Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

Sec. 411.380. LIMITATION OF LIABILITY. The department or a local law enforcement agency is not liable for failure to activate the alert system.

Added by Acts 2021, 87th Leg., R.S., Ch. 125 (H.B. 103), Sec. 2, eff. September 1, 2021.

SUBCHAPTER M. SILVER ALERT FOR MISSING SENIOR CITIZENS AND PERSONS WITH ALZHEIMER'S DISEASE

Sec. 411.381. DEFINITIONS. In this subchapter:

(1) "Alert" means the statewide silver alert for missing senior citizens and persons with Alzheimer's disease, as developed and implemented under this subchapter.

(2) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of a missing senior citizen or person with Alzheimer's disease.

(3) "Senior citizen" means a person who is 65 years of age or older.

Added by Acts 2007, 80th Leg., R.S., Ch. 69 (S.B. 1315), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 489 (H.B. 2639), Sec. 2, eff. June 9, 2017.

Sec. 411.382. SILVER ALERT FOR MISSING SENIOR CITIZENS AND PERSONS WITH ALZHEIMER'S DISEASE. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide silver alert to be activated on behalf of a missing senior citizen or person with Alzheimer's disease.

Added by Acts 2007, 80th Leg., R.S., Ch. 69 (S.B. 1315), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 489 (H.B. 2639), Sec. 3, eff. June 9, 2017.

Sec. 411.383. ADMINISTRATION. (a) The director is the statewide coordinator of the alert.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert. The rules and directives must include:

(1) the procedures to be used by a local law enforcement agency to verify whether a person reported missing is a senior citizen with an impaired mental condition or a person with Alzheimer's disease and whether the person's location is unknown;

(2) a description of the circumstances under which a local law enforcement agency is required to report a missing senior citizen or person with Alzheimer's disease to the department; and

(3) the procedures to be used by an individual or entity to report information about a missing senior citizen or person with Alzheimer's disease to designated media outlets in Texas.

Added by Acts 2007, 80th Leg., R.S., Ch. 69 (S.B. 1315), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 489 (H.B. 2639), Sec. 4, eff. June 9, 2017.

Sec. 411.384. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert.

Added by Acts 2007, 80th Leg., R.S., Ch. 69 (S.B. 1315), Sec. 1, eff. September 1, 2007.

Sec. 411.385. DUTIES OF TEXAS DEPARTMENT OF TRANSPORTATION. The Texas Department of Transportation shall:

(1) cooperate with the department and assist in developing and implementing the alert; and

(2) establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Added by Acts 2007, 80th Leg., R.S., Ch. 69 (S.B. 1315), Sec. 1, eff. September 1, 2007.

Sec. 411.386. NOTIFICATION TO DEPARTMENT OF MISSING SENIOR CITIZEN OR PERSON WITH ALZHEIMER'S DISEASE. (a) A local law enforcement agency may notify the department if the agency:

(1) receives notice of a missing senior citizen or person with Alzheimer's disease;

(2) verifies that at the time the senior citizen or person with Alzheimer's disease is reported missing:

(A) the person reported missing:

(i) is 65 years of age or older and has an impaired mental condition; or

(ii) is a person with Alzheimer's disease; and

(B) the person's location is unknown; and

(3) determines that the person's disappearance poses a credible threat to the person's health and safety.

(b) The local law enforcement agency shall:

(1) require the family or legal guardian of the missing senior citizen or person with Alzheimer's disease to provide documentation of the person's age and condition to verify the person's status as described by Subsection (a)(2)(A); and

(2) as soon as practicable, determine whether the person's disappearance poses a credible threat to the person's health and safety for purposes of Subsection (a)(3).

Added by Acts 2007, 80th Leg., R.S., Ch. 69 (S.B. 1315), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 219 (H.B. 834), Sec. 1, eff. May 29, 2015.

Acts 2017, 85th Leg., R.S., Ch. 489 (H.B. 2639), Sec. 5, eff. June 9, 2017.

Sec. 411.387. ACTIVATION OF SILVER ALERT. (a) When a local law enforcement agency notifies the department under Section 411.386, the department shall confirm the accuracy of the

information and, if confirmed, immediately issue an alert under this subchapter in accordance with department rules.

(b) In issuing the alert, the department shall send the alert to designated media outlets in Texas. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in locating the missing senior citizen or person with Alzheimer's disease.

Added by Acts 2007, 80th Leg., R.S., Ch. 69 (S.B. 1315), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 489 (H.B. 2639), Sec. 6, eff. June 9, 2017.

Sec. 411.388. CONTENT OF SILVER ALERT. The alert must include:

(1) all appropriate information that is provided by the local law enforcement agency and that may lead to the safe recovery of the missing senior citizen or person with Alzheimer's disease; and

(2) a statement instructing any person with information related to the missing senior citizen or person with Alzheimer's disease to contact a local law enforcement agency.

Added by Acts 2007, 80th Leg., R.S., Ch. 69 (S.B. 1315), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 489 (H.B. 2639), Sec. 7, eff. June 9, 2017.

Sec. 411.389. TERMINATION OF SILVER ALERT. (a) The director shall terminate any activation of the alert with respect to a particular missing senior citizen or person with Alzheimer's disease not later than the earlier of the date on which:

(1) the missing person is located or the situation is otherwise resolved; or

(2) the notification period ends, as determined by department rule.

(b) A local law enforcement agency that locates a missing senior citizen or person with Alzheimer's disease who is the subject of an alert under this subchapter shall notify the department as soon as possible that the missing person has been located.

Added by Acts 2007, 80th Leg., R.S., Ch. 69 (S.B. 1315), Sec. 1, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 489 (H.B. 2639), Sec. 8, eff. June 9, 2017.

SUBCHAPTER N. INTEROPERABLE STATEWIDE EMERGENCY RADIO INFRASTRUCTURE

Sec. 411.401. DEFINITION. In this subchapter, "emergency radio infrastructure" means radio frequency hardware, software, or auxiliary equipment that:

(1) provides dispatch communications for this state and local governments to public safety agencies; and

(2) allows interoperable communication between public safety agencies, including communication between different types of public safety agencies.

Added by Acts 2011, 82nd Leg., R.S., Ch. 701 (H.B. 442), Sec. 1, eff. September 1, 2011.

Sec. 411.4015. GRANTS TO FINANCE INTEROPERABLE STATEWIDE EMERGENCY RADIO INFRASTRUCTURE. (a) The office of the governor shall establish a program to provide grants as provided by Section 411.402.

(b) The office of the governor shall establish procedures to administer the grant program, including a procedure for the submission of a proposal and a procedure to be used by the office to evaluate a proposal.

(c) The office of the governor shall enter into a contract that includes performance requirements with each grant recipient. The office shall monitor and enforce the terms of the contract.

(d) The office of the governor shall adopt rules to administer this section.

Added by Acts 2019, 86th Leg., R.S., Ch. 295 (H.B. 2952), Sec. 1, eff. September 1, 2019.

Sec. 411.402. USE OF GRANTS. (a) A grant provided under Section 411.4015 may only:

(1) be used for the planning, development, provision, enhancement, or ongoing maintenance of an interoperable statewide emergency radio infrastructure;

(2) be used in accordance with the statewide integrated public safety radio communications plan developed under Subchapter F, Chapter 421;

(3) be used for the development of a regional or state interoperable radio communication system;

(4) be made to:

(A) regional councils of government that have entered into interlocal agreements authorized under state law; and

(B) state agencies requiring emergency radio infrastructure; or

(5) be used for other public safety purposes.

(b) A grant provided under Section 411.4015 may not be used to purchase or maintain radio subscriber equipment.

Added by Acts 2011, 82nd Leg., R.S., Ch. 701 (H.B. 442), Sec. 1, eff. September 1, 2011.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 295 (H.B. 2952), Sec. 2, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.16, eff. January 1, 2020.

Sec. 411.403. EMERGENCY RADIO INFRASTRUCTURE ACCOUNT. (a) The emergency radio infrastructure account is an account in the general revenue fund.

(b) The account consists of fees deposited in the account as provided by Section 133.102(e)(9), Local Government Code.

(c) Money in the account may be used only for grants made

under this subchapter.

(d) Section 403.095 does not apply to the account.

Added by Acts 2011, 82nd Leg., R.S., Ch. 701 (H.B. 442), Sec. 1, eff. September 1, 2011.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 295 (H.B. 2952), Sec. 3, eff. September 1, 2019.

Acts 2019, 86th Leg., R.S., Ch. 1352 (S.B. 346), Sec. 1.17, eff. January 1, 2020.

SUBCHAPTER O. PREVENTION OF SCRAP METAL THEFT GRANT PROGRAM

Sec. 411.421. DEFINITION. In this subchapter, "regulated material" has the meaning assigned by Section 1956.001, Occupations Code.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1234 (S.B. 694), Sec. 20, eff. September 1, 2011.

Redesignated from Government Code, Subchapter N, Chapter 411 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(21), eff. September 1, 2013.

Sec. 411.422. GRANTS TO FUND SCRAP METAL THEFT PREVENTION. (a) From fines collected and distributed to the department under Sections 1956.040(a-2) and (a-4), Occupations Code, the commission by rule shall establish and implement a grant program to provide funding to assist local law enforcement agencies in preventing the theft of regulated material.

(b) To be eligible for a grant, a recipient must be a local law enforcement agency that has established a program designed to prevent the theft of regulated material.

(c) Rules adopted under this section must:

(1) include accountability measures for grant recipients and provisions for loss of eligibility for grant recipients that fail to comply with the measures; and

(2) require grant recipients to provide to the department information on program outcomes.

Added by Acts 2011, 82nd Leg., R.S., Ch. 1234 (S.B. 694), Sec. 20,

eff. September 1, 2011.

Redesignated from Government Code, Subchapter N, Chapter 411 by Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. 1093), Sec. 22.001(21), eff. September 1, 2013.

SUBCHAPTER P. BLUE ALERT SYSTEM

Sec. 411.441. DEFINITIONS. In this subchapter:

(1) "Alert system" means the statewide blue alert system that is developed and implemented under this subchapter.

(2) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of an alleged offense that resulted in the death or serious bodily injury of a law enforcement officer.

(3) "Law enforcement officer" means a person who is a peace officer under Article 2A.001, Code of Criminal Procedure, or a person who is a federal law enforcement officer, as defined by 5 U.S.C. Section 8331(20).

(4) "Serious bodily injury" has the meaning assigned by Section 1.07, Penal Code.

Added by Acts 2017, 85th Leg., R.S., Ch. 417 (S.B. 1138), Sec. 1, eff. September 1, 2017.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 2.093, eff. January 1, 2025.

Sec. 411.442. BLUE ALERT SYSTEM. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a statewide blue alert system to be activated to aid in the apprehension of an individual suspected of killing or causing serious bodily injury to a law enforcement officer.

Added by Acts 2017, 85th Leg., R.S., Ch. 417 (S.B. 1138), Sec. 1, eff. September 1, 2017.

Sec. 411.443. ADMINISTRATION. (a) The director is the

statewide coordinator of the alert system.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives must include:

(1) the procedures to be used by a law enforcement agency to verify whether:

(A) an individual is suspected of killing or causing serious bodily injury to a law enforcement officer and is not yet apprehended; and

(B) the activation of the alert system would aid in the apprehension of that individual;

(2) a description of the circumstances under which a law enforcement agency is required to report a missing suspect to the department; and

(3) the procedures to be used by an individual or entity to report information about a missing suspect to designated media outlets in Texas.

(c) The director shall prescribe forms for use by law enforcement agencies in requesting activation of the alert system.
Added by Acts 2017, 85th Leg., R.S., Ch. 417 (S.B. 1138), Sec. 1, eff. September 1, 2017.

Sec. 411.444. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.
Added by Acts 2017, 85th Leg., R.S., Ch. 417 (S.B. 1138), Sec. 1, eff. September 1, 2017.

Sec. 411.445. STATE AGENCIES. (a) A state agency participating in the alert system shall:

(1) cooperate with the department and assist in developing and implementing the alert system; and

(2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Added by Acts 2017, 85th Leg., R.S., Ch. 417 (S.B. 1138), Sec. 1, eff. September 1, 2017.

Sec. 411.446. NOTIFICATION TO DEPARTMENT. (a) A law enforcement agency that receives notice of an individual who is suspected of killing or causing serious bodily injury to a law enforcement officer and who has not yet been apprehended shall:

(1) confirm the accuracy of the information; and

(2) if the agency believes the missing suspect poses a threat to other law enforcement officers and to the public, provide notice to the department.

(b) A law enforcement agency providing notice to the department under Subsection (a) shall include with that notice a detailed description of the missing suspect and, if applicable, any available portion of the license plate number of a motor vehicle being used by the suspect.

Added by Acts 2017, 85th Leg., R.S., Ch. 417 (S.B. 1138), Sec. 1, eff. September 1, 2017.

Sec. 411.447. ACTIVATION OF BLUE ALERT SYSTEM. (a) When a law enforcement agency notifies the department under Section 411.446, the department shall confirm the accuracy of the information and, if confirmed, immediately issue an alert through the alert system in accordance with department rules.

(b) In issuing the alert, the department shall send the alert to designated media outlets in Texas. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in locating the missing suspect.

(c) The department shall also send the alert to:

(1) any appropriate law enforcement agency;

(2) the Texas Department of Transportation; and

(3) a state agency described by Section 411.445.

Added by Acts 2017, 85th Leg., R.S., Ch. 417 (S.B. 1138), Sec. 1, eff. September 1, 2017.

Sec. 411.448. CONTENT OF ALERT. The alert must include:

(1) all appropriate information that is provided by the law enforcement agency under Section 411.446 and that may lead to the apprehension of the missing suspect; and

(2) a statement instructing any person with information related to the missing suspect to contact a law enforcement agency.

Added by Acts 2017, 85th Leg., R.S., Ch. 417 (S.B. 1138), Sec. 1, eff. September 1, 2017.

Sec. 411.449. TERMINATION OF ALERT SYSTEM. (a) The director shall terminate any activation of the alert system with respect to a particular missing suspect not later than the earlier of the date on which:

(1) the missing suspect is apprehended;

(2) the department receives evidence that the missing suspect has left this state; or

(3) the department determines that the alert system will no longer aid in the apprehension of the missing suspect.

(b) A law enforcement agency that apprehends a missing suspect who is the subject of an alert under this subchapter shall notify the department as soon as possible that the missing suspect has been apprehended.

Added by Acts 2017, 85th Leg., R.S., Ch. 417 (S.B. 1138), Sec. 1, eff. September 1, 2017.

SUBCHAPTER Q. COORDINATED LAW ENFORCEMENT ADULT RESCUE (CLEAR) ALERT FOR MISSING ADULTS

Sec. 411.461. DEFINITIONS. In this subchapter:

(1) "Adult" means a person who is 18 years of age or older but younger than 65 years of age.

(2) "Alert" means the statewide Coordinated Law

Enforcement Adult Rescue (CLEAR) alert for missing adults that is developed and implemented under this subchapter.

(3) "Bodily injury" has the meaning assigned by Section 1.07, Penal Code.

(4) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of a missing adult.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 31 (H.B. 2677), Sec. 3, eff. May 15, 2021.

Sec. 411.462. COORDINATED LAW ENFORCEMENT ADULT RESCUE (CLEAR) ALERT FOR MISSING ADULTS. With the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the department shall develop and implement a system to allow a statewide alert to be activated on behalf of a missing adult.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 31 (H.B. 2677), Sec. 4, eff. May 15, 2021.

Sec. 411.463. ADMINISTRATION. (a) The director is the statewide coordinator of the alert system.

(b) The director shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives must include:

(1) the procedures to be used by a local law enforcement agency to verify whether an adult is missing and whether circumstances indicate that:

(A) the missing adult is in imminent danger of bodily injury or death; or

(B) the disappearance of the missing adult may not have been voluntary, including cases of abduction or

kidnapping;

(2) a description of the circumstances under which a local law enforcement agency is required to report a missing adult to the department; and

(3) the procedures to be used by an individual or entity to report information about a missing adult to designated media outlets in this state.

(c) The director shall prescribe forms for use by local law enforcement agencies in requesting activation of the alert system.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

Sec. 411.464. DEPARTMENT TO RECRUIT PARTICIPANTS. The department shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

Sec. 411.465. STATE AGENCIES. (a) A state agency participating in the alert system shall:

(1) cooperate with the department and assist in developing and implementing the alert system; and

(2) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

(b) In addition to its duties as a state agency under Subsection (a), the Texas Department of Transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

Sec. 411.466. NOTIFICATION TO DEPARTMENT OF MISSING ADULT. (a) A local law enforcement agency shall notify the department if

the agency:

(1) receives a report regarding a missing adult;

(2) verifies that at the time the adult is reported missing:

(A) the person reported missing is 18 years of age or older but younger than 65 years of age;

(B) the adult's location is unknown; and

(C) the adult has been missing for less than 72 hours;

(3) confirms that a preliminary investigation has taken place with respect to the disappearance and that, as a result of that investigation, the agency believes that the adult is missing under circumstances described by Section 411.463(b)(1)(A) or (B); and

(4) believes sufficient information is available to disseminate to the public that could assist in locating the adult, a person suspected of abducting or kidnapping the adult, or a vehicle suspected of being used by the adult or in any abduction or kidnapping of the adult.

(b) The department may modify the criteria described by Subsection (a) as necessary for the proper implementation of the alert system.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

Sec. 411.467. ACTIVATION OF ALERT. (a) When a local law enforcement agency notifies the department under Section 411.466, the department shall confirm the accuracy of the information and, if confirmed, immediately issue an alert under this subchapter in accordance with the department's rules and directives under Section 411.463.

(b) The department may issue the alert on its own initiative, without receiving the notification described by Subsection (a), if the issuance conforms to the department's rules and directives and if the criteria described by Section 411.466(a) are satisfied.

(c) In issuing the alert, the department shall send the

alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in locating the missing adult.

(d) The department shall also send the alert to:

(1) any appropriate law enforcement agency;

(2) the Texas Department of Transportation;

(3) the Texas Department of Licensing and Regulation; and

(4) the Independent Bankers Association of Texas.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 1160 (S.B. 3070), Sec. 2, eff. June 20, 2025.

Sec. 411.468. CONTENT OF ALERT. The alert must include:

(1) all appropriate information that may lead to the safe recovery of the missing adult, as determined by the department; and

(2) a statement instructing any person with information related to the missing adult to contact a local or state law enforcement agency.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

Sec. 411.469. TERMINATION OF ALERT. (a) The director shall terminate any activation of the alert with respect to a particular missing adult not later than the earlier of the date on which:

(1) the missing adult is located or the situation is otherwise resolved; or

(2) the notification period ends, as determined by department rule.

(b) A local law enforcement agency that locates a missing adult who is the subject of an alert under this subchapter shall notify the department as soon as possible that the missing adult has

been located.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

Sec. 411.470. LIMITATION ON PARTICIPATION BY TEXAS DEPARTMENT OF TRANSPORTATION. Notwithstanding Section 411.465(b), the Texas Department of Transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this subchapter if the department receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

Added by Acts 2019, 86th Leg., R.S., Ch. 227 (H.B. 1769), Sec. 1, eff. September 1, 2019.

SUBCHAPTER Q-1. POWERS AND DUTIES RELATED TO CERTAIN REGULATORY PROGRAMS

Sec. 411.501. DEFINITION. In this subchapter, "license" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by a person to engage in a particular activity, business, occupation, or profession.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.502. APPLICABILITY. This subchapter applies to a program, and persons regulated under the program, administered by the department under the following laws, including rules adopted under those laws:

(1) Section 411.0625;

(2) Chapter 487, Health and Safety Code;

(3) Chapter 1702, Occupations Code;

(4) Chapter 1956, Occupations Code;

(5) Section 521.2476, Transportation Code; and

(6) Subchapter G, Chapter 548, Transportation Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.503. FINAL ENFORCEMENT AUTHORITY. (a) Except as provided by Section 411.506(b), the commission shall make the final determination in an administrative action against a person for a violation of a law or rule governing a program or person subject to this subchapter.

(b) The commission may not delegate the duty under Subsection (a).

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.504. COMPLAINTS. (a) The department shall maintain a system to promptly and efficiently act on complaints filed with the department regarding a violation of a law or rule governing a program or person subject to this subchapter. The department shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition.

(b) The department shall make information available describing its procedures for complaint investigation and resolution.

(c) The department shall periodically notify the complaint parties of the status of the complaint until final disposition.

(d) On written request, the department shall inform the

person filing the complaint and each person who is a subject of the complaint of the status of the investigation unless the information would jeopardize an ongoing investigation.

(e) The commission shall adopt rules to:

(1) implement this section; and

(2) establish a procedure for the investigation and resolution of complaints, including a procedure for documenting complaints to the department from the time of the submission of the initial complaint to the final disposition of the complaint.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.505. INVESTIGATIONS. The department may conduct investigations as necessary to enforce a law or rule governing a program or person subject to this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.506. INFORMAL COMPLAINT RESOLUTION AND INFORMAL PROCEEDINGS. (a) The commission by rule shall establish procedures for the informal resolution of complaints filed with the department related to a violation of a law or rule governing a program or person subject to this subchapter, including procedures governing:

(1) informal disposition of a contested case under Section 2001.056; and

(2) an informal proceeding held in compliance with Section 2001.054.

(b) Any settlement agreement arising from the procedures described by Subsection (a) must be approved by the director or the director's designee.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.507. LICENSE DENIAL; ADMINISTRATIVE SANCTION. (a) This section applies to a person required to obtain a license under a program subject to this subchapter.

(b) The commission may deny an application for, revoke, suspend, or refuse to renew a license or may reprimand a license holder for a violation of a law or rule governing a program subject to this subchapter.

(c) The commission may place on probation a person whose license is suspended. If a license suspension is probated, the commission may require the person to:

(1) report regularly to the department on matters that are the basis of the probation;

(2) limit practice to the areas prescribed by the department; or

(3) continue or renew education until the person attains a degree of competency satisfactory to the commission in those areas that are the basis for the probation.

(d) The commission shall develop a penalty schedule for each program subject to this subchapter consisting of administrative sanctions authorized under Subsections (b) and (c) based on the severity and frequency of a violation of a law or rule related to the program.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.508. RIGHT TO NOTICE AND HEARING; ADMINISTRATIVE PROCEDURE. (a) For each program subject to this subchapter, a person is entitled to notice and a hearing if the commission

proposes to:

(1) deny an application for, revoke, suspend, or refuse to renew a license;

(2) reprimand a license holder; or

(3) place a license holder on probation.

(b) A proceeding to impose an administrative sanction as described by Subsection (a) is a contested case under Chapter 2001.

(c) Unless otherwise provided by law, judicial review of an administrative sanction or penalty imposed by the commission is under the substantial evidence rule as provided by Subchapter G, Chapter 2001.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.509. CEASE AND DESIST ORDER. The department may issue a cease and desist order if the department determines that the action is necessary to prevent a violation of a law or rule governing a program or person subject to this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.510. INJUNCTIVE RELIEF. (a) On request of the department, the attorney general shall institute an action for injunctive relief to restrain a person in violation of or threatening to violate a law or rule governing a program or person subject to this subchapter.

(b) An action filed under this section shall be filed in a district court in:

(1) Travis County; or

(2) the county in which the violation allegedly occurred or is threatened to occur.

(c) The attorney general may recover reasonable expenses incurred in obtaining injunctive relief under this section, including court costs, attorney's fees, investigative costs, witness fees, and deposition expenses.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.511. STAGGERED RENEWAL; PRORATION OF LICENSE FEE. (a) The commission by rule may adopt a system under which licenses expire on various dates during the year.

(b) A license issued under a program governed by this subchapter may not expire later than the second anniversary of the date the license is issued.

(c) For the year in which the expiration date of a license is changed, the department shall prorate license fees on a monthly basis so that each license holder pays only that portion of the license fee that is allocable to the number of months during which the license is valid. On renewal of the license on the new expiration date, the total license renewal fee is payable.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

Sec. 411.512. ANNUAL REGULATORY REPORT. (a) The department shall annually make available on the department's Internet website a report of regulatory statistics for the preceding state fiscal year for each program subject to this subchapter and aggregate information on all the programs.

(b) The report must include, as applicable, information regarding:

(1) the number of licenses issued under the program;

(2) the number and types of complaints received and

resolved by the department;

(3) the number of investigations conducted by the department; and

(4) the number and types of disciplinary actions taken by the department.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Redesignated from Government Code, Subchapter Q, Chapter 411 by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 21.001(15), eff. September 1, 2021.

SUBCHAPTER R. ADMINISTRATIVE PENALTY

Sec. 411.521. DEFINITION. In this subchapter, "license" has the meaning assigned by Section 411.501.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.522. APPLICABILITY. This subchapter applies to a program, and persons regulated under the program, to which Section 411.502 applies.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.523. IMPOSITION OF PENALTY. The commission may impose an administrative penalty against a person who violates:

(1) a law establishing a program subject to this subchapter; or

(2) a rule adopted or order issued by the commission under a law described by Subdivision (1).

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.524. AMOUNT OF PENALTY. (a) If the relevant law establishing a program subject to this subchapter does not state the maximum amount of an administrative penalty under that law, the amount of the penalty shall be assessed by the commission in an

amount not to exceed $5,000 per day for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(b) The amount of the penalty shall be based on:

(1) the seriousness of the violation;

(2) the respondent's history of previous violations;

(3) the amount necessary to deter a future violation;

(4) efforts made by the respondent to correct the violation; and

(5) any other matter that justice may require.

(c) The commission shall establish a written enforcement plan that provides notice to license holders of the specific ranges of penalties that apply to specific alleged violations and the criteria by which the department determines the amount of a proposed administrative penalty.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.525. IMPOSITION OF SANCTION. A proceeding under this subchapter imposing an administrative penalty may be combined with a proceeding to impose an administrative sanction. If a sanction is imposed in a proceeding under this subchapter, the requirements of this subchapter apply to the imposition of the sanction.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.526. NOTICE OF VIOLATION AND PENALTY. If, after investigation of a possible violation and the facts surrounding the possible violation, the department determines that a violation occurred, the department shall issue to the respondent a notice of alleged violation stating:

(1) a brief summary of the alleged violation;

(2) the amount of the recommended administrative penalty; and

(3) that the respondent has the right to a hearing to contest the alleged violation, the amount of the penalty, or both.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.527. PENALTY TO BE PAID OR HEARING REQUESTED. (a) Not later than the 20th day after the date the respondent receives the notice, the respondent may:

(1) accept the department's determination and recommended administrative penalty; or

(2) make a written request for a hearing on that determination.

(b) If the respondent accepts the department's determination, the commission by order may approve the determination and require the person to pay the recommended penalty.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.528. HEARING ON RECOMMENDATIONS. (a) If the respondent requests a hearing, the hearing shall be conducted by the department or the State Office of Administrative Hearings.

(b) The State Office of Administrative Hearings shall consider the department's applicable substantive rules and policies when conducting a hearing under this subchapter.

(c) A department hearing officer or an administrative law judge at the State Office of Administrative Hearings, as applicable, shall:

(1) make findings of fact and conclusions of law; and

(2) promptly issue to the commission a proposal for decision as to the occurrence of the violation and the amount of any proposed administrative penalty.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.529. DECISION BY COMMISSION. (a) Based on the findings of fact, conclusions of law, and proposal for decision, the commission by order may determine that:

(1) a violation occurred and impose an administrative

penalty; or

(2) a violation did not occur.

(b) The department shall give notice of the order to the respondent.

(c) The order under this section must include:

(1) separate statements of the findings of fact and conclusions of law;

(2) the amount of any penalty imposed;

(3) a statement of the right of the respondent to judicial review of the order; and

(4) any other information required by law.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.530. OPTIONS FOLLOWING DECISION: PAY OR APPEAL. (a) Not later than the 30th day after the date the commission's order becomes final, the respondent shall:

(1) pay the penalty; or

(2) file a petition for judicial review contesting the order and:

(A) forward the penalty to the department for deposit in an escrow account; or

(B) give the department a supersedeas bond in a form approved by the department that:

(i) is for the amount of the penalty; and

(ii) is effective until judicial review of the decision is final.

(b) A respondent who is financially unable to comply with Subsection (a)(2) is entitled to judicial review if the respondent files with the court, as part of the respondent's petition for judicial review, a sworn statement that the respondent is unable to meet the requirements of Subsection (a)(2).

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.531. COLLECTION OF PENALTY. If the person on whom the administrative penalty is imposed violates Section 411.530(a),

the department or the attorney general may bring an action to collect the penalty.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.532. REMITTANCE OF PENALTY AND INTEREST. (a) If, after judicial review, the administrative penalty is reduced or not imposed, the department shall:

(1) remit to the person the appropriate amount, plus accrued interest, if the person paid the amount of the penalty; or

(2) execute a release of the bond, if the person posted a supersedeas bond.

(b) The interest paid under Subsection (a)(1) is accrued at the rate charged on loans to depository institutions by the New York Federal Reserve Bank. The interest shall be paid for the period beginning on the date the penalty is paid to the department and ending on the date the penalty is remitted.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Sec. 411.533. ADMINISTRATIVE PROCEDURE. (a) The commission by rule shall prescribe procedures for the determination and appeal of a decision to impose an administrative penalty.

(b) A proceeding under this subchapter to impose an administrative penalty is a contested case under Chapter 2001.

Added by Acts 2019, 86th Leg., R.S., Ch. 595 (S.B. 616), Sec. 3.002, eff. September 1, 2019.

Subchapter S, consisting of Secs. 411.551 to 411.558, was added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1.

For another Subchapter S, consisting of Secs. 411.551 to 411.563, added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, see Sec. 411.551 et seq., post.

SUBCHAPTER S. HOSTILE FOREIGN ADVERSARIES UNIT

Sec. 411.551. DEFINITIONS. In this subchapter:

(1) "Foreign adversary operation" means actions by

adversarial foreign governments that threaten the safety and security of this state.

(2) "Unit" means the department's hostile foreign adversaries unit established under this subchapter.

Added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1, eff. September 1, 2025.

Sec. 411.552. HOSTILE FOREIGN ADVERSARIES UNIT. The hostile foreign adversaries unit is established in the department to support the department's duty to prevent the harassment and coercion of this state's residents from foreign adversary operations, strengthen state agencies against foreign adversary operations, and protect this state's critical infrastructure against threats foreign adversary operations pose.

Added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1, eff. September 1, 2025.

Sec. 411.553. UNIT EMPLOYEES. The director may appoint unit employees as necessary to perform unit functions.

Added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1, eff. September 1, 2025.

Sec. 411.554. BIENNIAL REPORT. (a) Not later than December 1 of each even-numbered year, the unit shall submit to the governor and the legislature a written report that assesses the threat foreign adversary operations posed to this state, including to this state's residents and governmental units, during the preceding two years. The report must include:

(1) an assessment of the incidence of foreign adversary operations conducted in this state, including operations intended to influence political sentiment or public discourse; and

(2) strategies that have proven effective to combat the operations described by Subdivision (1).

(b) On request by the unit, a state agency or a local law enforcement agency shall provide to the unit information relating to any foreign adversary operation that the agency has researched or investigated or otherwise holds relevant information on.

Added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1, eff. September 1, 2025.

Sec. 411.555. ADDITIONAL DUTIES. (a) The unit shall collaborate with local governments and federal agencies to operate the Texas Fusion Center.

(b) The unit shall refer for prosecution to the appropriate prosecuting attorney cases in which individuals or organizations have engaged in or assisted in foreign adversary operations in this state.

Added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1, eff. September 1, 2025.

Sec. 411.556. SECURE STORAGE OF SENSITIVE INFORMATION. (a) The unit shall provide for the secure storage of sensitive information obtained or produced as part of the report developed under Section 411.554.

(b) Information determined as sensitive under Subsection (a) is not subject to disclosure under Chapter 552.

Added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1, eff. September 1, 2025.

Sec. 411.557. INFORMATION SHARING. With the approval of the director, the unit may share information determined sensitive under Section 411.556(a) with another federal, state, or local law enforcement agency. The disclosure of information under this section is not a voluntary disclosure under Section 552.007.

Added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1, eff. September 1, 2025.

Sec. 411.558. RULES. The commission may adopt rules to implement this subchapter.

Added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1, eff. September 1, 2025.

Subchapter S, consisting of Secs. 411.551 to 411.563, was added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2.

For another Subchapter S, consisting of Secs. 411.551 to 411.558, added by Acts 2025, 89th Leg., R.S., Ch. 881 (S.B. 2514), Sec. 1, see Sec. 411.551 et seq., post.

SUBCHAPTER S. HOMELAND SECURITY DIVISION

Sec. 411.551. DEFINITIONS. In this subchapter:

(1) "Chief" means the chief of the division appointed under Section 411.552.

(2) "Division" means the Homeland Security Division of the department established under this subchapter.

(3) "Local government" means any municipality, county, special-purpose district or authority, or other political subdivision of this state.

(4) "State agency" means a board, commission, council, committee, department, office, agency, or other governmental entity in the executive, legislative, or judicial branch of state government. The term includes an institution of higher education as defined by Section 61.003, Education Code.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.552. HOMELAND SECURITY DIVISION; CHIEF. (a) The Homeland Security Division is established in the department to lead multi-agency, multi-jurisdictional, and public-private efforts to enhance law enforcement initiatives and operations in support of homeland security objectives in this state.

(b) The director shall appoint the chief with the consent of the commission.

(c) The chief acts as the chief administrative officer of the division and is under the supervision and direction of the director, and to the extent the director determines, a deputy director of the department.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.553. DEPUTY CHIEFS AND OTHER EMPLOYEES; DELEGATION. (a) The chief may employ deputy chiefs and other

employees as necessary to perform the duties or exercise the powers of the division or perform any duty or exercise any power of the department assigned to the division.

(b) The chief may delegate any power or duty assigned to the division or chief unless prohibited by statute or rule.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.554. BORDER SECURITY: PLANNING AND COORDINATION. (a) The division shall, in collaboration with any other person who by law performs similar duties:

(1) provide the strategic and operational planning for border security operations of this state; and

(2) support the border security operations of this state by coordinating the law enforcement efforts of federal and state agencies, local governments, and private organizations and by ensuring clarity and alignment on the law enforcement priorities and responsibilities of each stakeholder.

(b) The division shall assist as necessary the department, including each department region, with the department's tactical planning of border security operations. The division shall produce intelligence and similar reports as necessary to provide the assistance required by this subsection.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.555. BORDER SECURITY: INTELLIGENCE. (a) The division shall coordinate the collection, dissemination, and analysis of intelligence for this state's border security operations and shall operate intelligence centers dedicated to this purpose.

(b) The division shall establish policies and procedures relating to the collection and management of intelligence, including establishing collection priorities and assigning the management responsibilities, for state agencies, local governments, and any private organizations participating in border security operations.

(c) With respect to the border security operations of this state, the division shall analyze and assess collected intelligence to produce information bulletins and other similar reports considered advisable.

(d) The division shall manage the program for the installation and monitoring of cameras and surveillance equipment along the Texas-Mexico border, known as Operation Drawbridge.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.556. HOMELAND SECURITY PLANNING AND PREPAREDNESS. (a) The division shall, in collaboration with any other person who by law performs similar duties:

(1) regularly develop a comprehensive homeland security strategic plan for this state;

(2) plan and facilitate homeland security exercises in coordination with the Texas Division of Emergency Management and other state agencies, federal agencies, local governments, and any participating private organizations;

(3) develop operational and tactical plans for significant law enforcement emergencies or contingencies, including assisting each department region with developing plans specific to the needs of that region;

(4) conduct assessments of:

(A) the risks and hazards posed to this state by criminal actors and organizations; and

(B) the capabilities of state and local stakeholders to respond to the occurrence of those risks and hazards, including by coordinating the annual completion by state agencies and local governments of the following federal assessments:

(i) the Threat and Hazard Identification and Risk Assessment; and

(ii) the Stakeholder Preparedness Review;

(5) establish programs for regular outreach to and information sharing among public and private organizations regarding threats by criminal actors and organizations, including:

(A) coordinating the Bomb-Making Materials Awareness Program and similar programs; and

(B) ensuring private industry organizations are aware of:

(i) criminal threats to critical infrastructure, such as espionage and sabotage operations;

(ii) best practices for protecting critical infrastructure from criminal actors and organizations; and

(iii) available law enforcement resources to assist in protecting critical infrastructure from criminal actors and organizations and responding to those threats; and

(6) assist state agencies and local governments in complying with restrictions under federal law on commerce with certain entities, including any entity:

(A) listed in Supplement No. 4 to 15 C.F.R. Part 744;

(B) identified as a Chinese military company by the United States Secretary of Defense in accordance with Section 1260H of the National Defense Authorization Act for Fiscal Year 2021 (Pub. L. 116-283); or

(C) restricted under any similar sanction program under federal law.

(b) The division shall develop any additional assessment for risks and hazards posed by criminal actors and organizations the division considers necessary and include in the strategic plan required by Subsection (a)(1) recommendations to mitigate those risks and hazards.

(c) The division may administer, or assist the department in administering, an internship program for students and other interested persons to participate in the operations of the division, or the department, as appropriate.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.557. PLANNING FOR PHYSICAL PROTECTION OF CRITICAL INFRASTRUCTURE. (a) The division shall coordinate multi-agency, multi-jurisdictional, and public-private efforts to protect the

critical infrastructure in this state from criminal actors and organizations. Within the 16 critical infrastructure sectors identified by National Security Memorandum on Critical Infrastructure Security and Resilience (NSM-22) issued by the president of the United States, the division shall prioritize the division's efforts in ensuring the physical protection of critical infrastructure in the following sectors:

(1) energy;

(2) communications;

(3) transportation systems; and

(4) water and wastewater systems.

(b) With respect to potential threats to the critical infrastructure in this state, the division may analyze and assess collected intelligence to produce information bulletins and other similar reports considered advisable.

(c) The division shall develop a system to identify and categorize critical infrastructure in this state for the purpose of facilitating initiatives to protect the critical infrastructure from criminal actors and organizations, including for facilitating any risk assessment of critical infrastructure assets or systems in this state and identifying any dependency or interdependency among those assets or systems.

(d) The division shall conduct exercises to enhance public-private coordination in protecting the critical infrastructure of this state from criminal actors and organizations.

(e) During any disaster, as that term is defined by Section 418.004, the division shall provide support to the state operations center described by Section 418.041(e).

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.558. INFRASTRUCTURE LIAISON OFFICER PROGRAM. (a) The division shall operate a program to train volunteers from public and private organizations to:

(1) collect or receive intelligence information related to threats to critical infrastructure; and

(2) properly identify threats to critical infrastructure and report those threats to the department.

(b) The division may set reasonable eligibility requirements for the program.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.559. WORK GROUPS; STUDY OF TECHNOLOGIES. (a) The division may establish and appoint members to one or more work groups to:

(1) study any issue related to the division's duties or the law enforcement initiatives or operations of this state; and

(2) advise or produce written reports on an issue studied under Subdivision (1).

(b) A work group established under this section may be composed of representatives from state and federal agencies, local governments, and private organizations. The division may provide administrative support for any work group established under this section.

(c) The division shall, in collaboration with any person who by law performs similar duties, establish or operate work groups to study methods or technologies to enhance the border security operations of this state and the security of the critical infrastructure of this state, including any task force established to survey the vulnerabilities of state government, local governments, and critical infrastructure.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.560. RESEARCH. (a) The division shall annually propose to the commission the research priorities and a research agenda for the department.

(b) The division shall coordinate with institutions of higher education, as defined by Section 61.003, Education Code, to enhance the research capabilities of the institutions and the department by sharing information and aligning priorities.

(c) The division shall research new technologies to enhance

the law enforcement initiatives and operations conducted by this state, including any border security operation conducted by a state agency, local government, or private organization.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.561. COUNSEL AND BUDGETING. (a) In this section, "homeland security activity" means any activity related to the prevention or discovery of, response to, or recovery from:

(1) a terrorist attack;

(2) a hostile military or paramilitary action; or

(3) an extraordinary law enforcement emergency.

(b) The division shall, on request, provide subject matter expertise and counsel to a state agency or local government regarding the state's border security operations and critical infrastructure protection initiatives, including related grant programs, legislation, risk management assessments, and other initiatives.

(c) The division shall confer with each state agency involved in any homeland security activity before each legislative session regarding the portion of the state agency's budget request that finances the agency's homeland security activities. The division shall coordinate with the state agencies to eliminate unnecessary redundancies and increase the efficiency of state agency efforts in conducting homeland security activities.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.562. WEBSITE AND REPORTS. The division shall maintain a publicly accessible Internet website and publish assessments and other reports produced by the division that are not excepted from disclosure under Section 552.021 and not confidential.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

Sec. 411.563. SENSITIVE INFORMATION PROVIDED BY PRIVATE

ORGANIZATIONS. (a) If in performing any duty or exercising any authority under this subchapter the division or a work group or task force of the division is provided information by a private organization that the private organization considers highly sensitive, proprietary, or otherwise confidential and the private organization notifies in writing the division, work group, or task force of that fact:

(1) the information is not public information for purposes of Chapter 552, and is excepted from the requirements of Section 552.021; and

(2) the division or applicable work group or task force:

(A) shall secure the information in the same manner as the private organization secures the information; and

(B) may not further disclose the information without the consent of the private organization.

(b) If the division or a work group or task force of the division is required to disclose information described by Subsection (a) to comply with applicable state or federal law or a court order, the division or applicable work group or task force shall to the extent practicable:

(1) not later than the fifth business day before the date the information is disclosed, notify the private organization that provided the information of the required disclosure; and

(2) disclose the information in the same condition as the division or applicable work group or task force received the information, including providing any labels or other markings that were originally provided with the information.

Added by Acts 2025, 89th Leg., R.S., Ch. 959 (S.B. 36), Sec. 2, eff. September 1, 2025.

SUBCHAPTER Z. MISCELLANEOUS PROVISIONS

Sec. 411.951. CONFIDENTIALITY OF IWATCHTEXAS COMMUNITY REPORTING SYSTEM REPORTS. All suspicious activity reports and school safety reports included in the iWatchTexas community reporting system operated by the department are confidential and

not subject to disclosure under Chapter 552.

Added by Acts 2023, 88th Leg., R.S., Ch. 896 (H.B. 3), Sec. 24, eff. September 1, 2023.