

Licensed or Certified Child Care Operations: Criminal History Requirements

Revised March 2024

Introduction:

In accordance with 26 Texas Administrative Code §745.661 (What types of criminal convictions may affect a subject's ability to be present at an operation?), this chart notes criminal convictions that may affect a person's ability to be present in the following types of Licensed or Certified Child Care Operations: Child-Care Centers, Licensed Child-Care Homes, School-Age and Before or After-School Programs, Shelter Care, Employer-Based Child-Care, General Residential Operations, and Child-Placing Agencies, excluding foster parents, adoptive parents, and household members in a foster or adoptive home. This chart also applies to persons applying for or seeking to maintain an administrator's license in accordance with 745.775.

The terms below have the following meaning when used in this chart:

- **Absolute Bar:** A person convicted of the crime is permanently prohibited from being present at the operation while children are in care, and the person does NOT qualify for a risk evaluation.
- **N/A:** There are two possible meanings for this term in this chart:
 - When used under a column related to a "felony" or "misdemeanor," the term is used because the crime does not have that offense level; and
 - When used under the column titled "If this person is eligible for a risk evaluation..." the term is used because a conviction for this offense is not eligible for a risk evaluation.
- **No Action Required:** No action is required if a person is convicted of the crime.
- **Risk Evaluation:** A person convicted of this crime is eligible for a risk evaluation unless the person has another background check result that is an absolute bar. A risk evaluation will consider all of the person's background check results.
- **Risk Evaluation if conviction was in the last 10 years:** An approved risk evaluation is necessary for the person to be present at the operation only if the conviction date is within the last 10 years from the date the background check eligibility is determined. After the 10 years have passed, the particular crime only requires an action by HHSC if the person is on parole for a felony offense.
- **5- (or 20-) Year Bar; Risk Evaluation Thereafter:** A person convicted of the crime is prohibited for 5 (or 20) years from being present at the operation while children are in care. The person requires an approved risk evaluation for the conviction after that time period has passed.

The following assumptions apply to the chart:

- This chart applies to criminal history checks for the operation types listed above per 26 Texas Administrative Code, Chapter 745, Licensing, Subchapter F, Background Checks.
- Time limits are based on the date of conviction. When a final disposition has not yet been rendered, an arrest or charge for an offense listed on this chart may affect a person’s ability to be present at an operation if:
 - a conviction would bar the person from being present permanently or on a time-limited basis;
 - a conviction would prohibit the person from being present pending the outcome of a risk evaluation; or
 - the Centralized Background Check Unit (CBCU) determines that the person poses an immediate threat to the health or safety of children.
- Although the crimes listed in this chart reflect only offenses in Texas statutes, the same outcomes apply to similar criminal offenses under the laws of another state or federal law.
- For purposes of a person's ability to be present at an operation, a Criminal Attempt conviction will be treated as falling under the same section of the Penal Code as the offense that was attempted. Examples:
 - A conviction for Attempt to Commit Murder would be treated in the same manner as Murder and would result in an absolute bar.
 - A conviction for Criminal Conspiracy or Criminal Solicitation will be treated as falling under the same section of the Penal Code as the offense that was the subject of the conspiracy or the solicitation.
- In accordance with 26 Texas Administrative Code §745.661(c), a person currently on parole for any felony offense not otherwise barrable must have an approved risk evaluation prior to being present at an operation.
- In accordance with 26 Texas Administrative Code §745.663(2), a deferred adjudication community supervision for an offense is always a criminal conviction with respect to HHSC’s decision to issue or deny the subject a permit or to revoke the subject’s permit, regardless of whether the court has dismissed the proceedings and discharged the subject after the subject successfully completed the terms of community supervision.

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Texas Penal Code, Title 4, Inchoate Offenses

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Criminal Solicitation of a Minor (felony or misdemeanor)	15.031	Absolute Bar	Risk Evaluation^	Felony: N/A Misdemeanor: No
Child Grooming (Felony)	15.032	Absolute Bar	N/A	N/A

Texas Penal Code, Title 5, Offenses Against the Person

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Murder (felony)	19.02	Absolute Bar†	N/A	N/A
Capital Murder (felony)	19.03	Absolute Bar†	N/A	N/A
Manslaughter (felony)	19.04	Absolute Bar†	N/A	N/A
Criminally Negligent Homicide (felony)	19.05	Absolute Bar†	Absolute Bar^	N/A
Unlawful Restraint (felony or misdemeanor)	20.02	Absolute Bar†	Risk Evaluation††	Felony: N/A Misdemeanor: No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Kidnapping (felony)	20.03	Absolute Bar†	N/A	N/A
Aggravated Kidnapping (felony)	20.04	Absolute Bar†	N/A	N/A
Smuggling of Persons (felony)	20.05	Absolute Bar	N/A	N/A
Continuous Smuggling of Persons (felony)	20.06	Absolute Bar	N/A	N/A
Operation Of A Stash House (misdemeanor)	20.07	N/A	20-Year Bar; Risk Evaluation Thereafter	No
Trafficking of Persons (felony)	20A.02	Absolute Bar	N/A	N/A
Continuous Trafficking of Persons (felony)	20A.03	Absolute Bar	N/A	N/A
Continuous Sexual Abuse of Young Child or Disabled Individual (felony)	21.02	Absolute Bar†	N/A	N/A
Public Lewdness (felony or misdemeanor)	21.07	Absolute Bar	Risk Evaluation	No
Indecent Exposure (felony or misdemeanor)	21.08	Absolute Bar	Risk Evaluation	No
Bestiality (felony)	21.09	Absolute Bar	Absolute Bar^	N/A
Indecency with a Child (felony)	21.11	Absolute Bar†	N/A	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Improper Relationship Between Educator & Student (felony)	21.12	Absolute Bar†	N/A	N/A
Invasive Visual Recording (felony)	21.15	Absolute Bar	Absolute Bar^	N/A
Unlawful Disclosure or Promotion of Intimate Visual Material (felony or misdemeanor)	21.16	Absolute Bar	Risk Evaluation^	No
Unlawful Production or Distribution of Certain Sexually Explicit Videos (Misdemeanor)	21.165	N/A	Absolute Bar	N/A
Voyeurism (felony or misdemeanor)	21.17	Absolute Bar	Risk Evaluation††	Felony: N/A Misdemeanor: No
Sexual Coercion (felony)	21.18	Absolute Bar	Absolute Bar^	N/A
Unlawful Electronic Transmission Of Sexually Explicit Visual Material (misdemeanor)	21.19	N/A	Risk Evaluation	No
Assault (felony or misdemeanor)	22.01	Absolute Bar†	Risk Evaluation††	Felony: N/A Misdemeanor: No
Sexual Assault (felony)	22.011	Absolute Bar†	Absolute Bar^	N/A
Indecent Assault (felony or misdemeanor)	22.012	Absolute Bar	Risk Evaluation	No
Aggravated Assault (felony)	22.02	Absolute Bar†	N/A	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Aggravated Sexual Assault (felony)	22.021	Absolute Bar†	N/A	N/A
Injury to a Child, Elderly Individual, or Disabled Individual (felony)	22.04	Absolute Bar†	Absolute Bar^	N/A
Abandoning or Endangering a Child, Elderly Individual, or Disabled Individual(felony)	22.041	Absolute Bar†	Absolute Bar^	N/A
Deadly Conduct (felony or misdemeanor) (formerly Public Peace-Reckless Conduct)	22.05	Absolute Bar	Risk Evaluation††	Felony: N/A Misdemeanor: No
Terroristic Threat (felony or misdemeanor)	22.07	Absolute Bar	Risk Evaluation††	Felony: N/A Misdemeanor: No
Aiding Suicide (felony or misdemeanor)	22.08	Absolute Bar	Risk Evaluation††	Felony: N/A Misdemeanor: No
Tampering with a Consumer Product (felony)	22.09	Absolute Bar	N/A	N/A
Leaving a Child in a Vehicle (misdemeanor)	22.10	N/A	Risk Evaluation	No
Harassment by Persons in Certain Facilities; Harassment of a Public Servant (felony)	22.11	Absolute Bar	N/A	N/A

Texas Penal Code, Title 6, Offenses Against the Family

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Bigamy (felony)	25.01	Risk Evaluation	N/A	No
Prohibited Sexual Conduct (felony)	25.02	Absolute Bar	N/A	N/A
Interference with Child Custody (felony)	25.03	Absolute Bar†	Absolute Bar^	N/A
Agreement to Abduct from Custody (felony)	25.031	Absolute Bar†	Absolute Bar^	N/A
Enticing a Child (felony or misdemeanor)	25.04	Absolute Bar†	Risk Evaluation	Felony: N/A Misdemeanor: No
Criminal Nonsupport (felony or misdemeanor)	25.05	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Yes^^
Harboring Runaway Child (misdemeanor)	25.06	N/A	Risk Evaluation	No
Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case (felony or misdemeanor)	25.07	Absolute Bar†	Risk Evaluation††	Felony: N/A Misdemeanor: No
Violation of Protective Order Preventing Offense Caused by Bias or Prejudice (felony or misdemeanor)	25.071	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Repeated Violation of Certain Court Orders or Conditions of Bond in Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case (felony or misdemeanor)	25.072	Absolute Bar	Risk Evaluation††	Felony: N/A Misdemeanor: No
Sale or Purchase of Child (felony)	25.08	Absolute Bar†	N/A	N/A
Unregulated Custody Transfer of Adopted Child (felony)	25.081	Absolute Bar	N/A	N/A
Advertising for Placement of Child (felony or misdemeanor)	25.09	Absolute Bar†	Risk Evaluation	Felony: N/A Misdemeanor: No
Interference with Rights of Guardian of the Person (felony)	25.10	Absolute Bar†	Absolute Bar^	N/A
Continuous Violence Against the Family (felony)	25.11	Absolute Bar†	N/A	N/A

Texas Penal Code, Title 7, Offenses Against Property

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Arson (felony)	28.02	Absolute Bar†	Absolute Bar^	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Criminal Mischief (felony or misdemeanor)	28.03	Risk Evaluation	No Action Required	No
Damaging Critical Infrastructure Facility (felony)	28.09	Risk Evaluation	N/A	No
Robbery (felony)	29.02	Absolute Bar	N/A	N/A
Aggravated Robbery (felony)	29.03	Absolute Bar	N/A	N/A
Burglary (felony)	30.02 30.04	Risk Evaluation if the conviction related to the burglary of a habitation no matter when the conviction occurred. Otherwise, risk evaluation if conviction was in the last 10 years	No Action Required [^]	Yes ^{^^}
Theft (felony or misdemeanor)	31.03 31.04 31.05 31.12	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes ^{^^}
Organized Retail Theft (felony or misdemeanor)	31.16	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes ^{^^}
Mail Theft (felony or misdemeanor)	31.20	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes ^{^^}
Forgery (felony or misdemeanor)	32.21	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes ^{^^}

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Credit Card or Debit Card Abuse (felony)	32.31	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Fraudulent Use Or Possession Of Credit Card Or Debit Card Information (felony)	32.315	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
False Statement to Obtain Property or Credit in the Provision of Certain Services (felony or misdemeanor)	32.32	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Hindering Secured Creditors (felony or misdemeanor)	32.33	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Misapplication of Fiduciary Property or Property of Financial Institution (felony or misdemeanor)	32.45	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Fraudulent Securing of Document Execution (felony or misdemeanor)	32.46	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Fraudulent Use or Possession of Identifying Information (felony)	32.51	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Exploitation of Child, Elderly Individual, or Disabled Individual (felony)	32.53	Risk Evaluation††	N/A	No
Financial Abuse of Elderly Individual (misdemeanor or felony)	32.55	Risk Evaluation	Risk Evaluation	Yes^^
Breach of Computer Security (felony or misdemeanor)	33.02	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Online Solicitation of a Minor (felony)	33.021	Absolute Bar†	N/A	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Electronic Data Tampering (felony or misdemeanor)	33.023	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Unlawful Decryption (felony or misdemeanor)	33.024	Risk Evaluation if conviction in the last 10 years	No Action Required	Yes^^
Telecommunications Crimes (felony or misdemeanor)	33A	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Money Laundering (felony)	34.02	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Insurance Fraud (felony or misdemeanor)	35.02	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Health Care Fraud (felony or misdemeanor)	35A.02	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^

Texas Penal Code, Title 8, Offenses Against Administration

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Bribery (felony)	36.02	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Coercion of Public Servant or Voter (felony or misdemeanor)	36.03	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Improper Influence (misdemeanor)	36.04	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Tampering with Witness (felony)	36.05	Risk Evaluation	N/A	No
Obstruction or Retaliation (felony)	36.06	Absolute Bar	N/A	N/A
Acceptance of Honorarium (misdemeanor)	36.07	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Gift to Public Servant by Person Subject to His Jurisdiction (misdemeanor)	36.08	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Offering Gift to Public Servant (misdemeanor)	36.09	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Perjury (misdemeanor)	37.02	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Aggravated Perjury (felony)	37.03	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Misrepresenting Child As Family Member At Port Of Entry (misdemeanor)	37.082	N/A	20-Year Bar: Risk Evaluation Thereafter	No
Tampering with or Fabricating Physical Evidence (felony or misdemeanor)	37.09	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Tampering with Governmental Record (felony or misdemeanor)	37.10	Risk Evaluation	<ul style="list-style-type: none"> For Class A: Risk Evaluation if conviction was in the last 10 years For Class B or C: No Action Required 	Yes^^
Fraudulent Filing of Financing Statement (felony or misdemeanor)	37.101	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^
Impersonating a Public Servant (felony)	37.11	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Record of a Fraudulent Court (felony or misdemeanor)	37.13	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^
False Statement Regarding Child Custody Determination Made in Foreign Country (felony)	37.14	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Failure to Identify (misdemeanor)	38.02	N/A	<ul style="list-style-type: none"> For Class A: Risk Evaluation if conviction was in the last 5 years For Class B or C: No Action Required 	Yes^^
Resisting Arrest, Search, or Transportation (felony or misdemeanor)	38.03	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Evading Arrest or Detention (felony or misdemeanor)	38.04	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Hindering Apprehension or Prosecution (felony or misdemeanor)	38.05	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^
Escape (felony or misdemeanor)	38.06	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Permitting or Facilitating Escape (felony or misdemeanor)	38.07	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Implements for Escape (felony)	38.09	Risk Evaluation	N/A	No
Bail Jumping and Failure to Appear (felony and misdemeanor)	38.10	Risk Evaluation if conviction was in the last 10 years	No Action Required	No
Prohibited Substances and Items in Correctional or Civil Commitment Facility (felony)	38.11	Risk Evaluation if conviction was in the last 10 years	N/A	No
Improper Contact with Victim (felony and misdemeanor)	38.111	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Tampering with Electronic Monitoring Device (felony)	38.112	Risk Evaluation if conviction was in the last 10 years	N/A	No
Unauthorized Absence from Community Corrections Facility, County Correctional Center, or Assignment Site (felony)	38.113	Risk Evaluation if conviction was in the last 10 years	No Action Required^	Yes^^
Contraband in Correctional Facility (misdemeanor)	38.114	N/A	Risk Evaluation if conviction was in the last 10 years	No
Operation of Unmanned Aircraft Over Correctional Facility or Detention Facility (felony or misdemeanor)	38.115	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No
Falsely Holding Oneself Out as a Lawyer (felony)	38.122	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Unauthorized Practice of Law (felony or misdemeanor)	38.123	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Taking or Attempting to Take Weapon from Peace Officer, Federal Special Investigator, Employee or Official of Correctional Facility, Parole Officer, Community Supervision and Corrections Department Officer, or Commissioned Security Officer (felony)	38.14	Risk Evaluation	Risk Evaluation^	No
Interference with Police Service Animals (felony or misdemeanor)	38.151	Risk Evaluation	<ul style="list-style-type: none"> • For Class A: Risk Evaluation if conviction was in the last 10 years • For Class B or C: No Action Required 	Felony: No Misdemeanor: Yes^^
Interference with Radio Frequency Licensed to Government Entity (felony or misdemeanor)	38.152	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Failure to Stop or Report Aggravated Sexual Assault of Child (misdemeanor)	38.17	N/A	Risk Evaluation	No
Failure to Report Felony (misdemeanor)	38.171	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Failure to Report Assault, Neglect, or Omission of Care in Certain Group Homes (misdemeanor)	38.172	N/A	Risk Evaluation	No
Abuse of Official Capacity (felony or misdemeanor)	39.02	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Official Oppression (felony or misdemeanor)	39.03	Risk Evaluation	Risk Evaluation	No
Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (felony or misdemeanor)	39.04	Risk Evaluation	Risk Evaluation	No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Improper Sexual Activity with a Committed Person (Felony)	39.041	Absolute Bar	N/A	N/A
Failure to Report Death of Prisoner (misdemeanor)	39.05	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Misuse of Official Information (felony or misdemeanor)	39.06	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^

Texas Penal Code, Title 9, Offenses Against Public Order and Decency

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Disorderly Conduct (misdemeanor)	42.01 (a)(7) 42.01 (a)(8) 42.01 (a)(9) 42.01 (a)(10) 42.01 (a)(11)	N/A	Risk Evaluation	No
Interference with Emergency Request for Assistance (felony or misdemeanor)	42.062	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Harassment (misdemeanor)	42.07	N/A	Risk Evaluation††	No
Stalking (felony)	42.072	Absolute Bar	N/A	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Unlawful Disclosure of Residence Address or Telephone Number (misdemeanor)	42.074	N/A	Risk Evaluation	No
Abuse of Corpse (felony or misdemeanor)	42.08	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No
Cruelty to Livestock Animals (felony or misdemeanor)	42.09	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No
Attack on Assistance Animal (felony or misdemeanor)	42.091	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No
Cruelty to Nonlivestock Animals (felony or misdemeanor)	42.092	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No
Dog Fighting (felony or misdemeanor)	42.10	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No
Cock fighting (felony or misdemeanor)	42.105	Risk Evaluation	Risk Evaluation if conviction was in last 10 years	No
Prostitution (felony or misdemeanor)	43.02	Risk Evaluation	Risk Evaluation ^{^*}	No
Solicitation of Prostitution (felony)	43.021	20-Year Bar; Risk Evaluation Thereafter	N/A	No
Promotion of Prostitution (felony)	43.03	20-Year Bar; Risk Evaluation Thereafter [*]	N/A	No
Online Promotion Of Prostitution (felony)	43.031	20-Year Bar; Risk Evaluation Thereafter [*]	N/A	No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Aggravated Promotion of Prostitution (felony)	43.04	Absolute Bar	N/A	N/A
Aggravated Online Promotion Of Prostitution (felony)	43.041	Absolute Bar	N/A	N/A
Compelling Prostitution (felony)	43.05	Absolute Bar	N/A	N/A
Obscene Display or Distribution (misdemeanor)	43.22	N/A	Risk Evaluation	No
Obscenity (felony or misdemeanor)	43.23	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No
Sale, Distribution, or Display of Harmful Material to Minor (felony or misdemeanor)	43.24	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No
Sexual Performance by a Child (felony)	43.25	Absolute Bar†	N/A	N/A
Employment Harmful to Children (felony)	43.251	Absolute Bar†	N/A	N/A
Possession or Promotion of Child Pornography (felony)	43.26	Absolute Bar†	N/A	N/A
Electronic Transmission of Certain Visual Material Depicting Minor (misdemeanor)	43.261	N/A	Risk Evaluation	No
Possession or Promotion of Lewd Visual Material Depicting Child (felony)	43.262	Absolute Bar	N/A	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Certain Sexually Oriented Performances Prohibited (misdemeanor)	43.28	N/A	Absolute Bar	N/A

Texas Penal Code, Title 10, Offenses Against Public Health, Safety, and Morals

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Unlawful Possession of Firearm (felony or misdemeanor)	46.04	Absolute Bar	Risk Evaluation if conviction was in the last 10 years	No
Prohibited Weapons (felony or misdemeanor)	46.05	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	No
Hoax Bombs (misdemeanor)	46.08	N/A	Risk Evaluation	No
Making a Firearm Accessible to a Child (misdemeanor)	46.13	N/A	Risk Evaluation if conviction was in the last 10 years	Yes ^{^^}
Firearm Smuggling (felony)	46.14	Risk Evaluation	N/A	No
Prohibition of the Purchase and Sale of Human Organs (misdemeanor)	48.02	N/A	Risk Evaluation	No
Prohibition on Purchase and Sale of Human Fetal Tissue (felony)	48.03	Risk Evaluation	Risk Evaluation [^]	No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Public Intoxication (misdemeanor)	49.02	N/A	Risk Evaluation if conviction was in the last 5 years	Yes^^
Possession of Alcoholic Beverage in Motor Vehicle (misdemeanor)	49.031	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Driving While Intoxicated (felony or misdemeanor)	49.04	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Driving While Intoxicated with Child Passenger (felony)	49.045	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	No
Flying While Intoxicated (felony or misdemeanor)	49.05	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Boating While Intoxicated (felony or misdemeanor)	49.06	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Boating While Intoxicated with Child Passenger (felony)	49.061	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	<u>Risk Evaluation if conviction was in the last 10 years^</u>	No
Assembling or Operating an Amusement Ride While Intoxicated (felony or misdemeanor)	49.065	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Intoxication Assault (felony)	49.07	Absolute Bar†	N/A	N/A
Intoxication Manslaughter (felony)	49.08	Absolute Bar†	N/A	N/A

Texas Penal Code, Title 11, Organized Crime

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Engaging in Organized Criminal Activity (felony or misdemeanor)	71.02	Risk Evaluation	Risk Evaluation	No
Violation of Court Order Enjoining Organized Criminal Activity (misdemeanor)	71.021	N/A	Risk Evaluation	No
Coercing, Inducing, or Soliciting Membership in a Criminal Street Gang (felony)	71.022	Risk Evaluation	N/A	No
Directing Activities of Certain Criminal Street Gangs (felony)	71.023	Risk Evaluation	N/A	No
Use of Proceeds Derived from Racketeering or Unlawful Debt Collection (felony)	72.02	Risk Evaluation	N/A	No
Acquisition of Interest in Property or Control of Enterprise through Racketeering or Unlawful Debt Collection (felony)	72.03	Risk Evaluation	N/A	No
Participation in Enterprise Through Racketeering or Unlawful Deb Collection (felony)	72.04	Risk Evaluation	N/A	No
Terrorism (misdemeanor and felony)	76.02	Absolute Bar	Absolute Bar	N/A
Aiding in Commission of Terrorism (misdemeanor or felony)	76.03	Absolute Bar	Absolute Bar	N/A
Hindering Prosecution of Terrorism	76.04	Absolute Bar	Absolute Bar	N/A

Texas Education Code

Offense	Texas Education Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Personal Hazing Offense (felony or misdemeanor) or Hazing (felony or misdemeanor)	37.152	Risk Evaluation††	Risk Evaluation if conviction was in the last 10 years	No
Failure To Report Or False Report; Offenses (misdemeanor)	51.255	N/A	Risk Evaluation if conviction was in the last 10 years	No

Texas Family Code

Offense	Texas Family Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Disclosing Confidential Information Obtained from DFPS Social Study (misdemeanor)	107.05145	N/A	Risk Evaluation	No
Child Custody Evaluator Access to Investigative Records of Department (misdemeanor)	107.111	N/A	Risk Evaluation	No
Modification of Order on Conviction for Child Abuse (misdemeanor)	156.104	N/A	Risk Evaluation	No
Modification of Order on Conviction for Family Violence (misdemeanor)	156.1045	N/A	Risk Evaluation	No
Placement by Unauthorized Person (misdemeanor)	162.025	N/A	Risk Evaluation	No
Offenses; Penalties- Violating the Interstate Compact on the Placement of Children (misdemeanor)	162.107	N/A	Risk Evaluation	No

Offense	Texas Family Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Prohibited Acts: Criminal Penalties (felony or misdemeanor)	162.421	Risk Evaluation	Risk Evaluation	No
False Report; Criminal Penalty; Civil Penalty (felony)	261.107	Risk Evaluation	Risk Evaluation^	Yes^^
Failure to Report; Penalty (felony or misdemeanor)	261.109	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No
Conduct of Investigation (misdemeanor)	261.302	N/A	Risk Evaluation	No
Interference with Investigation; Criminal Penalty (misdemeanor)	261.3032	N/A	Risk Evaluation	No
Removal of Alleged Perpetrator; Offense (felony or misdemeanor)	262.1015	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No

Texas Health and Safety Code

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Evading or Resisting Apprehension or Transport - Criminal Penalty (misdemeanor)	81.212	N/A	Risk Evaluation	No
Reports of Abuse and Neglect or of Illegal, Unprofessional or Unethical Conduct (misdemeanor)	161.132	N/A	Risk Evaluation	No

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Report: Criminal Penalty (misdemeanor)	260A.012	N/A	Risk Evaluation	No
Bad Faith, Malicious or Reckless Reporting: Criminal Penalty (misdemeanor)	260A.013	N/A	Risk Evaluation	Yes^^
Required Report by Lessor Abuse, Neglect, or Exploitation; Criminal Penalty (Misdemeanor)	260.0091	N/A	Risk Evaluation	No
Criminal Penalty (misdemeanor)	464.016	N/A	Risk Evaluation	No
Manufacture or Delivery of Controlled Substances (felony)	481.112	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Manufacture or Delivery of Substance in Penalty Group 1-A (felony)	481.1121	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Manufacture or Delivery of Substance in Penalty Group 2 or 2-A (felony)	481.113	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Manufacture or Delivery of Substance in Penalty Group 3 or 4 (felony)	481.114	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 1 (felony)	481.115	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 1-A (felony)	481.1151	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 2 (felony)	481.116	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Possession of Substance in Penalty Group 2-A (felony or misdemeanor)	481.1161	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 3 (felony or misdemeanor)	481.117	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Possession of Substance in Penalty Group 4 (felony or misdemeanor)	481.118	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Manufacture, Delivery, or Possession of Miscellaneous Substances (felony or misdemeanor)	481.119	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Delivery of Marijuana (felony or misdemeanor)	481.120	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Possession of Marijuana (felony or misdemeanor)	481.121	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Delivery of Controlled Substance or Marijuana to Child (felony)	481.122	Risk Evaluation if conviction was in the last 10 years	N/A	No
Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance (felony or misdemeanor)	481.124	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Possession or Transport of Anhydrous Ammonia: Use of or Tampering with Equipment (felony)	481.1245	Risk Evaluation if conviction was in the last 10 years	N/A	No
Possession or Delivery of Drug Paraphernalia (felony or misdemeanor)	481.125	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Illegal Barter, Expenditure, or Investment (felony)	481.126	Risk Evaluation if conviction was in the last 10 years	N/A	No

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Unauthorized Disclosure of Information (felony)	481.127	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	Felony: No Misdemeanor: Yes ^{^^}
Commercial Matters (felony)	481.128	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	Felony: No Misdemeanor: Yes ^{^^}
Diversion of Controlled Substance by Restraints, Dispensers, and Certain Other Persons (felony)	481.1285	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	Felony: No Misdemeanor: Yes ^{^^}
Fraud (felony or misdemeanor)	481.129	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes ^{^^}
Diversion of Controlled Substance Property or Plant (felony)	481.131	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	Felony: No Misdemeanor: Yes ^{^^}
Falsification of Drug Test Results (misdemeanor)	481.133	N/A	Risk Evaluation if conviction was in the last 10 years	Yes ^{^^}
Unlawful Transfer or Receipt of Chemical Precursor (felony)	481.136	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	Felony: No Misdemeanor: Yes ^{^^}
Transfer of Precursor Substance for Unlawful Manufacture (felony)	481.137	Risk Evaluation if conviction was in the last 10 years	N/A	No
Unlawful Transfer or Receipt of Chemical Laboratory Apparatus (felony)	481.138	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	Felony: No Misdemeanor: Yes ^{^^}
Transfer of Chemical Laboratory Apparatus for Unlawful Manufacture (felony)	481.139	Risk Evaluation if conviction was in the last 10 years	N/A	No
Unlawful Delivery or Manufacture with Intent to Deliver; Criminal Penalty (felony)	482.002	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	Felony: No Misdemeanor: Yes ^{^^}

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Possession of Dangerous Drug (misdemeanor)	483.041	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Delivery or Offer of Delivery of Dangerous Drug (felony)	483.042	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Manufacture of Dangerous Drug (felony)	483.043	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years^	Felony: No Misdemeanor: Yes^^
Forging or Altering Prescription (misdemeanor)	483.045	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Possession and Use (misdemeanor)	485.031	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Delivery to a Minor (felony or misdemeanor)	485.032	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Inhalant Paraphernalia (misdemeanor)	485.033	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Hampering, Obstructing, Tampering with or Destroying Electronic Monitoring Device, Tape or Recording from Resident's Room at State Supported Living Center (misdemeanor)	555.162	N/A	Risk Evaluation	No

Texas Human Resources Code

Offense	Texas Human Resources Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Confidentiality of Information (misdemeanor)	40.005	N/A	Risk Evaluation	Yes^^
False Report: Criminal Penalty (felony or misdemeanor)	42.0447	Risk Evaluation	Risk Evaluation	Yes^^
Required Background and Criminal History Checks: Criminal Penalties (misdemeanor)	42.056	N/A	Risk Evaluation	No
Administering Medication (misdemeanor)	42.065	N/A	Risk Evaluation	Yes^^
Criminal Penalties (misdemeanor)	42.076	N/A	Risk Evaluation	Yes^^
Criminal Penalty for Operating Daycare Center without Qualified Director (misdemeanor)	42.0761	N/A	Risk Evaluation	Yes^^
Penalty (misdemeanor)	43.012	N/A	Risk Evaluation	Yes^^
Failure to Report; Penalty (felony or misdemeanor)	48.052	Absolute Bar	Risk Evaluation	No
False Report; Penalty (misdemeanor)	48.053	N/A	Risk Evaluation	Yes^^

Texas Alcoholic Beverage Code

Offense	Texas Alcoholic Beverage Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor (misdemeanor)	106.06	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Prohibited Activities by Persons Younger than 18 (misdemeanor) or Inducing a Minor to Dance with Another in Exchange for a Benefit by Alcoholic Beverage Permittee (misdemeanor)	106.15	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

Texas Business and Commerce Code

Offense	Texas Business and Commerce Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Report Child Pornography by Computer Technician (misdemeanor)	110.003	N/A	Risk Evaluation	No

Texas Code of Criminal Procedure

Offense	Texas Code of Criminal Procedure	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Comply with Registration Requirements (felony)	62.102	Absolute Bar	N/A	N/A

Texas Civil Practice and Remedies Code

Offense	Texas Civil Practice and Remedies Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Report Possible Sexual Exploitation of Mental Health Patient (misdemeanor)	81.006	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

Any other Title under the Texas Penal Code or any other Texas Code not specifically mentioned above

Offense	Texas Penal Code or Any Other Various Texas Codes	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Varies – Any offense HHSC determines is a financial crime	Varies	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Varies	Varies	Risk Evaluation if conviction was in the last 10 years	No Action Required	No

* Indicates bar if it is determined a person under age 18 was involved.

† These offenses result in a bar based on federal requirements set forth in 42 U.S. Code §9858f(c).

†† These convictions result in an absolute bar if it is determined that the offense was a violent misdemeanor and committed by an adult offender against a child victim, per federal requirements set forth in 42 U.S. Code §9858f(c)(1)(E).

^ While these offenses are not normally prosecuted as misdemeanors, if the charge is reduced to a misdemeanor per *TPC 12.44(b)*, HHSC will take the action described in the “Misdemeanor (Includes All Levels Unless Otherwise Specified)” column.

^^ Even though persons may be present at a child-care operation pending the outcome of the risk evaluation, HHSC may place conditions or restrictions on a person's duties in order for the person to be present at the operation. For example, a person convicted of Driving While Intoxicated may be permitted to be employed but may not be permitted to transport children in the care of the operation.