

## **(1) Licensed or Certified Child Care Operations: Criminal History Requirements**

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In accordance with §745.651 (What types of criminal convictions may affect a person's ability to be present at an operation?), this chart notes criminal convictions that may affect a person's ability to be present in Licensed or Certified Child Care Operations - including Independent Foster Homes, Child-Care Centers, Licensed Child-Care Homes, School-Age and Before or After-School Programs, General Residential Operations, Shelter Care, Small Employer Based Child-Care, and qualifying persons at Child Placing Agencies, excluding Foster and Adoptive Homes.

### **In this chart the words below have the following meaning:**

- "Absolute Bar" means a person convicted of a particular 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" has two meanings in this chart. "N/A" under the "FELONY" or "MISDEMEANOR" column means there is no such relevant felony or misdemeanor crime. "N/A" under the "If this person is eligible for a risk evaluation . . ." question column means the question is not applicable, because a person with this conviction is not eligible for a risk evaluation.
- "No Action Required" means there is such a crime, but no action is required.
- "Risk Evaluation" means a person convicted of a particular crime is eligible for a risk evaluation based solely on that particular conviction. However, a person's overall eligibility for a risk evaluation is based on the entirety of the person's criminal and DFPS Central Registry history.
- "Risk Evaluation if conviction was in the last 10 years" means a risk evaluation is only required for 10 years from the date of the conviction. After the 10 years have passed, the particular crime no longer requires any action by DFPS, unless the person is on parole for a felony offense.

### **In reviewing this chart, you must understand the following:**

- This chart applies to all criminal history checks conducted under Title 40, Texas Administrative Code, Chapter 745, Licensing, Subchapter F, Background Checks.
- Time limits are based on the date of conviction.
- Although the crimes listed in this chart reflect only offenses in Texas statutes, the same criminal history requirements apply to similar criminal offenses under the laws of another state or federal law.

- For purposes of this chart and 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. For example, a conviction for Attempt to Commit Murder would be treated in the same manner as Murder and would result in an absolute bar. Likewise, 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 §745.651(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.

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**Texas Penal Code, Title 4, Inchoate Offenses**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Criminal Solicitation of a Minor (felony or misdemeanor)	15.031	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No

**Texas Penal Code, Title 5, Offenses Against the Person**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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	N/A	N/A
Unlawful Restraint (felony or misdemeanor)	20.02	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No
Kidnapping (felony)	20.03	Absolute Bar	N/A	N/A
Aggravated Kidnapping (felony)	20.04	Absolute Bar	N/A	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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
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 Children (felony)	21.02	Absolute Bar	N/A	N/A
Public Lewdness (misdemeanor)	21.07	N/A	Risk Evaluation	No
Indecent Exposure (misdemeanor )	21.08	N/A	Risk Evaluation	No
Indecency with a Child (felony)	21.11	Absolute Bar	N/A	N/A
Improper Relationship Between Educator & Student (felony)	21.12	Absolute Bar	N/A	N/A
Improper Photography or Visual Recording (felony) or Invasive Visual Recording (felony)*	21.15	Absolute Bar	N/A	N/A
Unlawful Disclosure or Promotion of Intimate Visual Material (misdemeanor)	21.16**	N/A	Risk Evaluation	No
Voyeurism (felony or misdemeanor)	21.16**	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Assault (felony or misdemeanor)	22.01	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No
Sexual Assault (felony)	22.011	Absolute Bar	N/A	N/A
Aggravated Assault (felony)	22.02	Absolute Bar	N/A	N/A
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	N/A	N/A
Abandoning or Endangering Child (felony)	22.041	Absolute Bar	N/A	N/A
Deadly Conduct (felony or misdemeanor)	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 Correctional Facilities; Harassment of a Public Servant (felony)	22.11	Absolute Bar	N/A	N/A

**Texas Penal Code, Title 6, Chapter 25, Offenses Against the Family**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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	N/A	N/A
Agreement to Abduct from Custody (felony)	25.031	Absolute Bar	N/A	N/A
Enticing a Child (felony or misdemeanor)	25.04	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No
Criminal Nonsupport (felony)	25.05	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Harboring Runaway Child (misdemeanor)	25.06	N/A	Risk Evaluation	No
Violations of Certain Court Orders or Conditions of Bond in a Family Violence Case (felony or misdemeanor) or Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Sexual Assault or Abuse, Stalking, 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

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Repeated Violation of Court Order or Condition of Bond in Family Violence 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
Advertising for Placement of Child (felony or misdemeanor)	25.09	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No
Interference with Rights of a Guardian of the Person (felony)	25.10	Absolute Bar	N/A	N/A
Continuous Violence Against the Family (felony)	25.11	Absolute Bar	N/A	N/A

**Texas Penal Code, Title 7, Offenses Against Property**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Arson (felony)	28.02	Absolute Bar	N/A	N/A
Criminal Mischief (felony or misdemeanor)	28.03	Risk Evaluation	No Action Required	No
Robbery (felony)	29.02	Absolute Bar	N/A	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Aggravated Robbery (felony)	29.03	Absolute Bar	N/A	N/A
Burglary (felony)	30.02	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Theft (felony or misdemeanor)	31.03, 31.04, 31.05, 31.12, 31.16	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^^
Credit Card or Debit Card Abuse (felony)	32.31	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 (felony or misdemeanor)	32.45	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Securing Execution of Fiduciary Property (felony or misdemeanor)	32.46	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Exploitation of Child, Elderly Individual, or Disabled Individual (felony)	32.53	Risk Evaluation	N/A	No
Breach of Computer Security (felony or misdemeanor)	33.02	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Online Solicitation of a Minor (felony)	33.021	Absolute Bar	N/A	N/A
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^^
Medicaid 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

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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^^
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^^
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^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Tampering with Governmental Record (felony or misdemeanor)	37.10	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	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"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	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^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Escape (felony or misdemeanor)	38.06	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
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	Yes^^
Improper Contact with Victim (felony and misdemeanor)	38.111	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Violation of Protective Order Issued on Basis of Sexual Assault or Abuse, Stalking, or Trafficking (misdemeanor)	38.112	N/A	Risk Evaluation	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	N/A	Yes^^
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^^
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	N/A	No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Interference with Police Service Animals (felony or misdemeanor)	38.151	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	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^^
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 if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (felony or misdemeanor)	39.04	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
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, Disorderly Conduct and Related Offenses

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Harassment (misdemeanor)	42.07	N/A	Risk Evaluation if conviction was in the last 10 years	No
Stalking (felony)	42.072	Absolute Bar	N/A	N/A
Abuse of Corpse (misdemeanor)	42.08	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
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
Cockfighting (felony or misdemeanor)	42.105	Risk Evaluation	Risk Evaluation if conviction was in last 10 years	No
Prostitution (felony or misdemeanor)	43.02	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No
Promotion of Prostitution (felony or misdemeanor)	43.03	Absolute Bar	Risk Evaluation	No
Aggravated Promotion of Prostitution (felony)	43.04	Absolute Bar	N/A	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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

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

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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
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	N/A	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^^
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

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Intoxication Manslaughter (felony)	49.08	Absolute Bar	N/A	N/A

**Texas Penal Code, Title 11, Organized Crime**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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

**Texas Education Code**

**Chapter 37 Discipline; Law and Order**

<b>Offense</b>	<b>Education Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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

**Texas Family Code**

**Chapter 107 Special Appointments and Social Studies**

**Chapter 156 Modification**

**Chapter 162 Adoption**

**Chapter 261 Investigation of Report of Child Abuse or Neglect**

**Chapter 262 Procedures in Suit by Governmental Entity to Protect Health and Safety of Child**

<b>Offense</b>	<b>Family Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Disclosing confidential information obtained from DFPS social study (misdemeanor)	107.05145	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

<b>Offense</b>	<b>Family Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Placement by Unauthorized Person (misdemeanor)	162.025	N/A	Risk Evaluation	No
General Penalty: Violating the Interstate Compact on the Placement of children (misdemeanor)	162.107	N/A	Risk Evaluation	No
Prohibited Acts: Criminal Penalties (felony or misdemeanor)	162.421	Risk Evaluation	Risk Evaluation	No
Making a False Report of Abuse or Neglect (felony)	261.107	Risk Evaluation	N/A	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**

**Chapter 81 Communicable Diseases**

**Chapter 161 Public Health Provisions**

**Chapter 260 Boarding Home Facilities**

**Chapter 464 Facilities Treating Alcoholics or Drug-Dependent Persons**

**Chapter 481 Texas Controlled Substances Act**

**Chapter 482 Simulated Controlled Substances**

**Chapter 483 Dangerous Drugs**

**Chapter 485 Abusable Volatile Chemicals**

**Chapter 555 State Supported Living Centers**

Offense	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 by Person Subject to Custody or Temporary Detention (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
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^^
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	N/A	No
Manufacture or Delivery of Substance in Penalty Group 1-A (felony)	481.1121	Risk Evaluation if conviction was in the last 10 years	N/A	No

<b>Offense</b>	<b>Health and Safety Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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	N/A	No
Manufacture or Delivery of Substance in Penalty Group 3 or 4 (felony)	481.114	Risk Evaluation if conviction was in the last 10 years	N/A	No
Possession of Substance in Penalty Group 1 (felony)	481.115	Risk Evaluation if conviction was in the last 10 years	N/A	No
Possession of Substance in Penalty Group 1-A (felony)	481.1151	Risk Evaluation if conviction was in the last 10 years	N/A	No
Possession of Substance in Penalty Group 2 (felony)	481.116	Risk Evaluation if conviction was in the last 10 years	N/A	No
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 (misdemeanor)	481.119	N/A	Risk Evaluation if conviction was in the last 10 years	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^^

<b>Offense</b>	<b>Health and Safety Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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
Unauthorized Disclosure of Information (felony)	481.127	Risk Evaluation if conviction was in the last 10 years	N/A	No
Commercial Matters (felony)	481.128	Risk Evaluation if conviction was in the last 10 years	N/A	No
Diversion of Controlled Substance by Restraints, Dispensers, and Certain Other Persons (felony)	481.1285	Risk Evaluation if conviction was in the last 10 years	N/A	No
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	N/A	No
Falsification of Drug Test Results (misdemeanor)	481.133	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

<b>Offense</b>	<b>Health and Safety Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Unlawful Transfer or Receipt of Chemical Precursor (felony)	481.136	Risk Evaluation if conviction was in the last 10 years	N/A	No
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	N/A	No
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	N/A	No
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	N/A	No
Manufacture of Dangerous Drug (felony)	483.043	Risk Evaluation if conviction was in the last 10 years	N/A	No
Forging or altering prescription (misdemeanor)	483.045	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Possession and Use (misdemeanor)	483.031	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^^

<b>Offense</b>	<b>Health and Safety Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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**

**Chapter 40 Department of Family and Protective Services**

**Chapter 42 Regulation of Certain Facilities, Homes and Agencies that Provide Childcare Services**

**Chapter 43 Regulation of Childcare and Child Placing Agency Administrators**

**Chapter 48 Investigations and Protective Services For Elderly and Disabled Persons**

<b>Offense</b>	<b>Human Resource Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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^^

<b>Offense</b>	<b>Human Resource Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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

### Chapter 106 Provisions Related to Age

<b>Offense</b>	<b>Texas Alcoholic Beverage Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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

### Chapter 110 Computer Technicians Required to Report Child Pornography

<b>Offense</b>	<b>Texas Business and Commerce Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Failure to Report Child Pornography by Computer Technician (misdemeanor)	110.003	N/A	Risk Evaluation	No

## Texas Code of Criminal Procedure

### Chapter 62 Sex Offender Registration Program

<b>Offense</b>	<b>Texas Code of Criminal Procedure</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Failure to Comply with Sex Offender Registration Requirements (felony)	62.102	Risk Evaluation	N/A	No

## Texas Civil Practice and Remedies Code

### Chapter 81 Sexual Exploitation by Mental Health Services Provider

<b>Offense</b>	<b>Texas Civil Practice and Remedies Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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

<b>Offense</b>	<b>Texas Penal Code or any other various Texas Codes</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Varies – Any offense DFPS 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 an offense that has been renamed with the Regular Session of the 84<sup>th</sup> Legislature (2015). Both current and previous offense names have been provided on the chart.

\*\* Two separate offenses were given the section number 21.16 as a result of the Regular Session of the 84<sup>th</sup> Legislature (2015).

^^ Even though persons may be present at a child-care operation pending the outcome of the risk evaluation, DFPS 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 will not be permitted to transport children in the care of the operation.

## (2) Foster or Adoptive Homes: Criminal History Requirements

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In accordance with §745.651 of this title (relating to What types of criminal convictions may affect a person's ability to be present at an operation?), this chart notes criminal convictions that may affect a person's ability to be present in Foster and Adoptive Homes, including when the foster or adoptive parents are unrelated to the child and when the foster or adoptive parents are either related to or have a longstanding relationship with the child.

### In this chart the words below have the following meaning:

- "Absolute Bar" means a person convicted of a particular 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" has two meanings in this chart. "N/A" under the "FELONY" or "MISDEMEANOR" column means there is no such relevant felony or misdemeanor crime. "N/A" under the "If this person is eligible for a risk evaluation . . ." question column means the question is not applicable, because a person with this conviction is not eligible for a risk evaluation.
- "No Action Required" means there is such a crime, but no action is required.
- "Risk Evaluation" means a person convicted of a particular crime is eligible for a risk evaluation based solely on that particular conviction. However, a person's overall eligibility for a risk evaluation is based on the entirety of the person's criminal and DFPS Central Registry history.
- "Risk Evaluation if conviction was in the last 10 years" means a risk evaluation is only needed for 10 years from the date of the conviction. After the 10 years have passed, the particular crime no longer requires an action by DFPS, unless the person is on parole for a felony offense.
- "5- (or 20-) Year Bar; Risk Evaluation Thereafter" means a person convicted of a particular crime is prohibited for 5 (or 20) years from being present at the operation while children are in care. After the years have passed, then the person is forever subject to a risk evaluation.
- "5-Year Bar; Risk Evaluation b/w 5 & 10 Years" means a person convicted of a particular crime is prohibited for 5 years from being present at the operation while children are in care. After the 5 years have passed, then the person is subject to a risk evaluation for an additional 5 years. After the total 10 years have passed, the particular crime no longer requires an action by DFPS, unless the person is on parole for a felony offense.

**In reviewing this chart, you must understand the following:**

- This chart applies to all criminal history checks conducted under Title 40 Texas Administrative Code, Chapter 745, Licensing, Subchapter F, Background Checks.
- Time limits are based on the date of conviction.
- Although the crimes listed in this chart reflect only offenses in Texas statutes, the same criminal history requirements apply to similar criminal offenses under the laws of another state or federal law.
- For purposes of this chart and 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. For example, a conviction for Attempt to Commit Murder would be treated in the same manner as Murder and would result in an absolute bar. Likewise, 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 §745.651(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.

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**Texas Penal Code, Title 4, Inchoate Offenses**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Criminal Solicitation of a Minor (felony or misdemeanor)	15.031	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	Felony: N/A Misdemeanor: No

**Texas Penal Code, Title 5, Offenses Against the Person**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation??</b>
Murder (felony)	19.02	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Capital Murder (felony)	19.03	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Manslaughter (felony)	19.04	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation??</b>
Criminally Negligent Homicide (felony)	19.05	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Unlawful Restraint (felony or misdemeanor)	20.02	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Kidnapping (felony)	20.03	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Aggravated Kidnapping (felony)	20.04	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Smuggling of Persons (felony)	20.05	<ul style="list-style-type: none"> <li>1<sup>st</sup> Degree: Absolute Bar†</li> <li>2<sup>nd</sup> or 3<sup>rd</sup> Degree: 20-Year Bar; Risk Evaluation Thereafter</li> </ul>	N/A	<ul style="list-style-type: none"> <li>1<sup>st</sup> Degree: Absolute Bar†</li> <li>2<sup>nd</sup> or 3<sup>rd</sup> Degree: Risk Evaluation</li> </ul>	N/A	No
Continuous Smuggling of Persons (felony)	20.06	<ul style="list-style-type: none"> <li>1<sup>st</sup> Degree: Absolute Bar†</li> <li>2<sup>nd</sup> Degree: 20-Year Bar; Risk Evaluation Thereafter</li> </ul>	N/A	<ul style="list-style-type: none"> <li>1<sup>st</sup> Degree: Absolute Bar†</li> <li>2<sup>nd</sup> Degree: Risk Evaluation</li> </ul>	N/A	No
Trafficking of Persons (felony)	20A.02	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Continuous Trafficking of Persons (felony)	20A.03	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation??</b>
Continuous Sexual Abuse of Young Child or Children (felony)	21.02	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Public Lewdness (misdemeanor)	21.07	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Indecent Exposure (misdemeanor )	21.08	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Indecency with a Child (felony)	21.11	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Improper Relationship Between Educator & Student (felony)	21.12	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Improper Photography or Visual Recording (felony) or Invasive Visual Recording (felony)*	21.15	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Unlawful Disclosure or Promotion of Intimate Visual Material (misdemeanor)	21.16**	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Voyeurism (felony or misdemeanor)	21.16**	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	Felony: N/A Misdemeanor: No
Assault (felony or misdemeanor)	22.01	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	5-Year Bar†, Risk Evaluation Thereafter	Risk Evaluation	No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation??</b>
Sexual Assault (felony)	22.011	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Aggravated Assault (felony)	22.02	20-Year Bar; Risk Evaluation Thereafter	N/A	5-Year Bar†, Risk Evaluation Thereafter	N/A	No
Aggravated Sexual Assault (felony)	22.021	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Injury to a Child, Elderly Individual, or Disabled Individual (felony)	22.04	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Abandoning or Endangering Child (felony)	22.041	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Deadly Conduct (felony or misdemeanor)	22.05	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Terroristic Threat (felony or misdemeanor)	22.07	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Aiding Suicide (felony or misdemeanor)	22.08	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Tampering with a Consumer Product (felony)	22.09	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Leaving a Child in a Vehicle (misdemeanor)	22.10	N/A	Risk Evaluation	N/A	Risk Evaluation	No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation??</b>
Harassment by Persons in Certain Correctional Facilities; Harassment of a Public Servant (felony)	22.11	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No

**Texas Penal Code, Title 6, Offenses Against the Family**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Bigamy (felony)	25.01	Risk Evaluation	N/A	Risk Evaluation	N/A	No
Prohibited Sexual Conduct (felony)	25.02	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Interference with Child Custody (felony)	25.03	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Agreement to Abduct from Custody (felony)	25.031	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Enticing a Child (felony or misdemeanor)	25.04	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Criminal Nonsupport (felony)	25.05	Risk Evaluation	N/A	Risk Evaluation	N/A	Yes^^
Harboring Runaway Child (misdemeanor)	25.06	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Violations of Certain Court Orders or Conditions of Bond in a Family Violence Case (felony or misdemeanor) or Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking Case (felony or misdemeanor)*	25.07	Absolute Bar†	Risk Evaluation	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	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Repeated Violation of Court Order or Condition of Bond in Family Violence case (felony or misdemeanor)	25.072	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	No
Sale or Purchase of Child (felony)	25.08	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Advertising for Placement of Child (felony or misdemeanor)	25.09	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Interference with Rights of a Guardian of the Person (felony)	25.10	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Continuous Violence Against the Family (felony)	25.11	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

### Texas Penal Code, Title 7, Offenses Against Property

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Arson (felony)	28.02	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Criminal Mischief (felony or misdemeanor)	28.03	Risk Evaluation	No Action Needed	Risk Evaluation	No Action Needed	No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Robbery (felony)	29.02	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Aggravated Robbery (felony)	29.03	20-Year Bar; Risk Evaluation Thereafter	N/A	5-Year Bar†, Risk Evaluation Thereafter	N/A	No
Burglary (felony)	30.02	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Theft (felony or misdemeanor)	31.03 31.04 31.05 31.12 31.16	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Forgery (felony or misdemeanor)	32.21	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Credit Card or Debit Card Abuse (felony)	32.31	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
False Statement to Obtain Property or Credit or in the Provision of Certain Services (felony or misdemeanor)	32.32	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Hindering Secured Creditors (felony or misdemeanor)	32.33	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Misapplication of Fiduciary Property (felony or misdemeanor)	32.45	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Securing Execution of a Document by Deception (felony or misdemeanor)	32.46	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Exploitation of Child, Elderly Individual, or Disabled Individual (felony)	32.53	Risk Evaluation	N/A	Risk Evaluation	N/A	No
Breach of Computer Security (felony or misdemeanor)	33.02	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Online Solicitation of a Minor (felony)	33.021	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Telecommunications Crimes (felony or misdemeanor)	33A	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Money Laundering (felony)	34.02	Risk Evaluation if conviction was in the last 10 years	N/A	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 Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^
Medicaid Fraud (felony or misdemeanor)	35A.02	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^

## Texas Penal Code, Title 8, Offenses Against Administration

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home 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	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	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Yes^^
Improper Influence (misdemeanor)	36.04	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Tampering with Witness (felony)	36.05	Risk Evaluation	N/A	Risk Evaluation	N/A	Felony: No Misdemeanor: N/A
Obstruction or Retaliation (felony)	36.06	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Acceptance of Honorarium (misdemeanor)	36.07	N/A	Risk Evaluation if conviction was in the last 10 years	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	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	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	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Aggravated Perjury (felony)	37.03	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Tampering with or Fabricating Physical Evidence (felony or misdemeanor)	37.09	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Tampering with Governmental Record (felony or misdemeanor)	37.10	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	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	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	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	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	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Failure to Identify (misdemeanor)	38.02	N/A	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	N/A	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	Yes^^
Resisting Arrest, Search, or Transportation (felony or misdemeanor)	38.03	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	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	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	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	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Permitting or Facilitating Escape (felony or misdemeanor)	38.07	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	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	Risk Evaluation	N/A	No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Bail Jumping and Failure to Appear (felony and misdemeanor)	38.10	Risk Evaluation if conviction was in the last 10 years	No Action Required	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Improper Contact with Victim (felony and misdemeanor)	38.111	Risk Evaluation if conviction was in the last 10 years	No Action Required	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Violation of Protective Order Issued on Basis of Sexual Assault or Abuse, Stalking, or Trafficking (misdemeanor)	38.112	N/A	Risk Evaluation	N/A	Risk Evaluation	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	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Falsely Holding Oneself Out as a Lawyer (felony)	38.122	Risk Evaluation if conviction was in the last 10 years	N/A	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	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	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home 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	N/A	Risk Evaluation	N/A	No
Interference with Police Service Animals (felony or misdemeanor)	38.151	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	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	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	N/A	Risk Evaluation	No
Failure to Report Felony (misdemeanor)	38.171	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Abuse of Official Capacity (felony or misdemeanor)	39.02	Risk Evaluation if conviction was in the last 10 years	No Action Required	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Official Oppression (felony or misdemeanor)	39.03	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (felony or misdemeanor)	39.04	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Failure to Report Death of Prisoner (misdemeanor)	39.05	N/A	Risk Evaluation if conviction was in the last 10 years	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	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^

**Texas Penal Code, Title 9, Offenses Against Public Disorder and Decency**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Harassment (misdemeanor)	42.07	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Stalking (felony)	42.072	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Abuse of Corpse (misdemeanor)	42.08	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	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	Risk Evaluation if conviction was in the last 10 years	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	Risk Evaluation if conviction was in the last 10 years	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	Risk Evaluation if conviction was in the last 10 years	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	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Cockfighting (felony or misdemeanor)	42.105	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No

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

Offense	Texas Penal Code	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Prostitution (felony or misdemeanor)	43.02	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	5-Year Bar†, Risk Evaluation Thereafter	Risk Evaluation	No
Promotion of Prostitution (felony or misdemeanor)	43.03	<ul style="list-style-type: none"> <li>• 2nd Degree: Absolute Bar</li> <li>• State Jail Felony: 20-Year Bar; Risk Evaluation Thereafter</li> </ul>	Risk Evaluation	<ul style="list-style-type: none"> <li>• 2nd Degree: Absolute Bar</li> <li>• State Jail Felony: 5-Year Bar†, Risk Evaluation Thereafter</li> </ul>	Risk Evaluation	No
Aggravated Promotion of Prostitution (felony)	43.04	<ul style="list-style-type: none"> <li>• 1st Degree: Absolute Bar</li> <li>• 3rd Degree: 20-Year Bar; Risk Evaluation Thereafter</li> </ul>	N/A	<ul style="list-style-type: none"> <li>• 1st Degree: Absolute Bar</li> <li>• 3rd Degree: 5-Year Bar†, Risk Evaluation Thereafter</li> </ul>	N/A	No
Compelling Prostitution (felony)	43.05	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Obscene Display or Distribution (misdemeanor)	43.22	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Obscenity (felony or misdemeanor)	43.23	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	Felony: N/A Misdemeanor: No
Sale, Distribution, or Display of Harmful Material to a Minor (felony or misdemeanor)	43.24	20-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Risk Evaluation	Risk Evaluation	No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Sexual Performance by a Child (felony)	43.25	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Employment Harmful to Children (felony)	43.251	20-Year Bar; Risk Evaluation Thereafter	N/A	Risk Evaluation	N/A	No
Possession or Promotion of Child Pornography (felony)	43.26	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Electronic Transmission of Certain Visual Material Depicting Minor (misdemeanor)	43.261	N/A	Risk Evaluation	N/A	Risk Evaluation	No

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

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Making a Firearm Accessible to a Child (misdemeanor)	46.13	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Firearm Smuggling (felony)	46.14	Risk Evaluation	N/A	Risk Evaluation	N/A	No
Prohibition of the Purchase and Sale of Human Organs (misdemeanor)	48.02	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Public Intoxication (misdemeanor)	49.02	N/A	Risk Evaluation if conviction was in the last 5 years	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	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Driving While Intoxicated (felony or misdemeanor)	49.04	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 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	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Flying While Intoxicated (felony or misdemeanor)	49.05	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Boating While Intoxicated (felony or misdemeanor)	49.06	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Assembling or Operating an Amusement Ride While Intoxicated (felony or misdemeanor)	49.065	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Intoxication Assault (felony)	49.07	20-Year Bar; Risk Evaluation Thereafter	N/A	5-Year Bar†; Risk Evaluation Thereafter	N/A	No
Intoxication Manslaughter (felony)	49.08	Absolute Bar†	N/A	Absolute Bar†	N/A	No

**Texas Penal Code, Title 11, Organized Crime**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Engaging in Organized Criminal Activity (felony or misdemeanor)	71.02	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Violation of Court Order Enjoining Organized Criminal Activity (misdemeanor)	71.021	N/A	Risk Evaluation	N/A	Risk Evaluation	No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>Unrelated Foster or Adoptive Homes - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Coercing, Inducing, or Soliciting Membership in a Criminal Street Gang (felony)	71.022	Risk Evaluation	N/A	Risk Evaluation	N/A	No
Directing Activities of Certain Criminal Street Gangs (felony)	71.023	Risk Evaluation	N/A	Risk Evaluation	N/A	No

**Texas Education Code**

**Chapter 37 Discipline; Law and Order**

<b>Offense</b>	<b>Education Code</b>	<b>Unrelated Foster or Adoptive Homes - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
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	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No

**Texas Family Code**

**Chapter 107 Special Appointments and Social Studies**

**Chapter 156 Modification**

**Chapter 162 Adoption**

**Chapter 261 Investigation of Report of Child Abuse or Neglect**

**Chapter 262 Procedures in Suit by Governmental Entity to Protect Health and Safety of Child**

Offense	Family Code	Unrelated Foster or Adoptive Homes - <b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - <b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - <b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - <b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home 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	N/A	Risk Evaluation	No
Modification of order on conviction for Child Abuse (misdemeanor)	156.104	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Modification of order on conviction for Family Violence (misdemeanor)	156.1045	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Placement by Unauthorized Person (misdemeanor)	162.025	N/A	Risk Evaluation	N/A	Risk Evaluation	No
General Penalty: Violating the Interstate Compact on the Placement of children (misdemeanor)	162.107	N/A	Risk Evaluation	N/A	Risk Evaluation	No

<b>Offense</b>	<b>Family Code</b>	<b>Unrelated Foster or Adoptive Homes - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Prohibited Acts: Criminal Penalties (felony or misdemeanor)	162.421	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Making a False Report of Abuse or Neglect (felony)	261.107	Risk Evaluation	N/A	Risk Evaluation	N/A	No
Failure to Report; Penalty (felony or misdemeanor)	261.109	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	No
Conduct of Investigation (misdemeanor)	261.302	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Interference with Investigation; Criminal Penalty (misdemeanor)	261.3032	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Removal of Alleged Perpetrator; Offense (felony or misdemeanor)	262.1015	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	No

**Texas Health and Safety Code**

**Chapter 81 Communicable Diseases**

**Chapter 161 Public Health Provisions**

**Chapter 260 Boarding Home Facilities**

**Chapter 464 Facilities Treating Alcoholics or Drug-Dependent Persons**

**Chapter 481, Texas Controlled Substances Act**

**Chapter 482 Simulated Controlled Substances**

**Chapter 483 Dangerous Drugs**

**Chapter 485 Abusable Volatile Chemicals**

**Chapter 555 State Supported Living Centers**

Offense	Health and Safety Code	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Evading or Resisting Apprehension or Transport by Person Subject to Custody or Temporary Detention (misdemeanor)	81.212	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Reports of Abuse and Neglect or of Illegal, Unprofessional or Unethical Conduct (misdemeanor)	161.132	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Failure to Report: Criminal Penalty (misdemeanor)	260A.012	N/A	Risk Evaluation	N/A	Risk Evaluation	No

<b>Offense</b>	<b>Health and Safety Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Bad Faith, Malicious or Reckless Reporting: Criminal Penalty (misdemeanor)	260A.013	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Criminal Penalty (misdemeanor)	464.016	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Manufacture or Delivery of Substance in Penalty Group 1 (felony)	481.112	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Manufacture or Delivery of Substance in Penalty Group 1-A (felony)	481.1121	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Manufacture or Delivery of Substance in Penalty Group 2 or 2-A (felony)	481.113	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Manufacture or Delivery of Substance in Penalty Group 3 or 4 (felony)	481.114	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession of Substance in Penalty Group 1 (felony)	481.115	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession of Substance in Penalty Group 1-A (felony)	481.1151	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession of Substance in Penalty Group 2 (felony)	481.116	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No

<b>Offense</b>	<b>Health and Safety Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Possession of Substance in Penalty Group 2-A (felony or misdemeanor)	481.1161	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 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	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 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	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Manufacture, Delivery, or Possession of Miscellaneous Substances (misdemeanor)	481.119	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Delivery of Marijuana (felony or misdemeanor)	481.120	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Possession of Marijuana (felony or misdemeanor)	481.121	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 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	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance (felony or misdemeanor)	481.124	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^

<b>Offense</b>	<b>Health and Safety Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Possession or Transport of Anhydrous Ammonia; Use of or Tampering with Equipment (felony)	481.1245	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession or Delivery of Drug Paraphernalia (felony or misdemeanor)	481.125	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Illegal Barter, Expenditure, or Investment (felony)	481.126	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Unauthorized Disclosure of Information (felony)	481.127	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Commercial Matters (felony)	481.128	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Diversion of Controlled Substance by Restraints, Dispensers, and Certain Other Persons (felony)	481.1285	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Fraud (felony or misdemeanor)	481.129	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 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	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Falsification of Drug Test Results (misdemeanor)	481.133	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

<b>Offense</b>	<b>Health and Safety Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Unlawful Transfer or Receipt of Chemical Precursor (felony)	481.136	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Transfer of Precursor Substance for Unlawful Manufacture (felony)	481.137	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Unlawful Transfer or Receipt of Chemical Laboratory Apparatus (felony)	481.138	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Transfer of Chemical Laboratory Apparatus for Unlawful Manufacture (felony)	481.139	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Unlawful Delivery or Manufacture with Intent to Deliver; Criminal Penalty (felony)	482.002	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession of Dangerous Drug (misdemeanor)	483.041	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	No
Delivery or Offer of Delivery of Dangerous Drug (felony)	483.042	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No
Manufacture of Dangerous Drug (felony)	483.043	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	N/A	No

Offense	Health and Safety Code	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Forging or altering prescription (misdemeanor)	483.045	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	No
Possession and Use (misdemeanor)	485.031	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	No
Delivery to a Minor (felony or misdemeanor)	485.032	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	5-Year Bar†; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	No
Inhalant Paraphernalia (misdemeanor)	485.033	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	No
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	N/A	Risk Evaluation	No

**Texas Human Resources Code**

**Chapter 40 Department of Family and Protective Services**

**Chapter 42 Regulation of Certain Facilities, Homes, and Agencies that Provide Childcare Services**

**Chapter 43 Regulation of Childcare and Child Placing Agency Administrators**

**Chapter 48 Investigations and Protective Services for Elderly and Disabled Persons**

<b>Offense</b>	<b>Human Resource Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Confidentiality of Information (misdemeanor)	40.005	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
False Report: Criminal Penalty (felony or misdemeanor)	42.0447	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	Yes^^
Required Background and Criminal History Checks: Criminal Penalties (misdemeanor)	42.056	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Administering Medication (misdemeanor)	42.065	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Criminal Penalties (misdemeanor)	42.076	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Criminal Penalty for Operating Daycare Center without Qualified Director (misdemeanor)	42.0761	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^

<b>Offense</b>	<b>Human Resource Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Penalty (misdemeanor)	43.012	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Failure to Report; Penalty (felony or misdemeanor)	48.052	Absolute Bar†	Risk Evaluation	Absolute Bar	Risk Evaluation	No
False Report; Penalty (misdemeanor)	48.053	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^

## Texas Alcoholic Beverage Code

### Chapter 106 Provisions Related to Age

Offense	Texas Alcoholic Beverage Code	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home 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	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	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

**Texas Business and Commerce Code**

**Chapter 110 Computer Technicians Required to Report Child Pornography**

<b>Offense</b>	<b>Texas Business and Commerce Code</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Failure to Report Child Pornography by Computer Technician (misdemeanor)	110.003	N/A	Risk Evaluation	N/A	Risk Evaluation	No

**Texas Code of Criminal Procedure**

**Chapter 62 Sex Offender Registration Program**

<b>Offense</b>	<b>Texas Code of Criminal Procedure</b>	<b>Unrelated Foster or Adoptive Homes – FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Unrelated Foster or Adoptive Homes - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?</b>
Failure to Comply with Sex Offender Registration Requirements (felony)	62.102	Risk Evaluation	N/A	Risk Evaluation	N/A	No

**Texas Civil Practice and Remedies Code**

**Chapter 81 Sexual Exploitation by Mental Health Services Provider**

Offense	Texas Civil Practice and Remedies Code	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home 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	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	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Varies – Any offense not specifically listed that DFPS determines is a financial crime	Varies	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Yes^^

Offense	Texas Penal Code or any other various Texas Codes	Unrelated Foster or Adoptive Homes – FELONY (Includes All Levels Unless Otherwise Specified)	Unrelated Foster or Adoptive Homes - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - FELONY (Includes All Levels Unless Otherwise Specified)	Relative Foster or Adoptive Homes OR Foster or Adoptive Homes with a Longstanding Relationship with the Child - MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Foster or Adoptive Home While Children are in Care Pending the Outcome of the Risk Evaluation?
Varies	Varies	Risk Evaluation if conviction was in the last 10 years	No Action Needed	Risk Evaluation if conviction was in the last 10 years	No Action Needed	No

\* Indicates an offense that has been renamed with the Regular Session of the 84<sup>th</sup> Legislature (2015). Both current and previous offense names have been provided on the chart.

\*\* Two separate offenses were given the section number 21.16 as a result of the Regular Session of the 84<sup>th</sup> Legislature (2015).

† Indicates that the bar is based on federal requirements set forth in 42 USC 671(a)(20)(A)

^ A foster or adoptive home cannot be verified or approved until all background checks on household members have been cleared, which includes the approval of any required risk evaluations. When this column says “yes” a person may be present at the foster or adoptive home while children are in care pending the outcome of the risk evaluation, it is only referring to already verified or approved foster or adoptive homes. In addition, even though persons may be present at a foster or adoptive home pending the outcome of the risk evaluation, DFPS may also place conditions or restrictions on a person in order for the person to be present at the foster or adoptive home. For example, an adult relative that is convicted of Driving While Intoxicated and living at a foster home may be permitted to continue to live at the foster home but will not be permitted to transport foster children.

### (3) Registered Child Care Homes and Listed Family Homes: Criminal History Requirements

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In accordance with §745.651 of this title (relating to What types of criminal convictions may affect a person's ability to be present at an operation?), this chart notes criminal convictions that may affect a person's ability to be present in Registered Child Care Homes and Listed Family Homes.

**In this chart the words below have the following meaning:**

- "Absolute Bar" means a person convicted of a particular 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" has two meanings in this chart. "N/A" under the "FELONY" or "MISDEMEANOR" column means there is no such relevant felony or misdemeanor crime. "N/A" under the "If this person is eligible for a risk evaluation . . ." question column means the question is not applicable, because a person with this conviction is not eligible for a risk evaluation.
- "No Action Required" means there is such a crime, but no action is required.
- "Risk Evaluation" means a person convicted of a particular crime is eligible for a risk evaluation based solely on that particular conviction. However, a person's overall eligibility for a risk evaluation is based on the entirety of the person's criminal and DFPS Central Registry history.
- "Risk Evaluation if conviction was in the last 10 years" means a risk evaluation is only required for 10 years from the date of the conviction. After the 10 years have passed, the particular crime no longer requires any action by DFPS, unless the person is on parole for a felony offense.
- "5-Year Bar; Risk Evaluation b/w 5 & 10 Years" means a person convicted of a particular crime is prohibited for 5 years from being present at the operation while children are in care. After the 5 years have passed, then the person is subject to a risk evaluation for an additional 5 years. After the total 10 years have passed, the particular crime no longer requires an action by DFPS, unless the person is on parole for a felony offense.

**In reviewing this chart, you must understand the following:**

- This chart applies to all criminal history checks conducted under Title 40, Texas Administrative Code, Chapter 745, Licensing, Subchapter F, Background Checks.
- Time limits are based on the date of conviction.
- Although the crimes listed in this chart reflect only offenses in Texas statutes, the same criminal history requirements apply to similar criminal offenses under the laws of another state or federal law.
- For purposes of this chart and 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. For example, a conviction for Attempt to Commit Murder would be treated in the same manner as Murder and would result in an absolute bar. Likewise, 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 §745.651(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.

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**Texas Penal Code, Title 4, Inchoate Offenses**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Criminal Solicitation of a Minor (felony or misdemeanor)	15.031	Absolute Bar	Absolute Bar	N/A

**Texas Penal Code, Title 5, Offenses Against the Person**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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	N/A	N/A
Unlawful Restraint (felony or misdemeanor)	20.02	Absolute Bar	Absolute Bar	N/A
Kidnapping (felony)	20.03	Absolute Bar	N/A	N/A
Aggravated Kidnapping (felony)	20.04	Absolute Bar	N/A	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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
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 Children (felony)	21.02	Absolute Bar	N/A	N/A
Public Lewdness (misdemeanor)	21.07	N/A	Absolute Bar	N/A
Indecent Exposure (misdemeanor )	21.08	N/A	Absolute Bar	N/A
Indecency with a Child (felony)	21.11	Absolute Bar	N/A	N/A
Improper Relationship Between Educator & Student (felony)	21.12	Absolute Bar	N/A	N/A
Improper Photography or Visual Recording (felony) or Invasive Visual Recording (felony)*	21.15	Absolute Bar	N/A	N/A
Unlawful Disclosure or Promotion of Intimate Visual Material (misdemeanor)	21.16**	N/A	Risk Evaluation	No
Voyeurism (felony or misdemeanor)	21.16**	Absolute Bar	Risk Evaluation	Felony: N/A Misdemeanor: No

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Assault (felony or misdemeanor)	22.01	Absolute Bar	Absolute Bar	N/A
Sexual Assault (felony)	22.011	Absolute Bar	N/A	N/A
Aggravated Assault (felony)	22.02	Absolute Bar	N/A	N/A
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	N/A	N/A
Abandoning or Endangering Child (felony)	22.041	Absolute Bar	N/A	N/A
Deadly Conduct (felony or misdemeanor)	22.05	Absolute Bar	Absolute Bar	N/A
Terroristic Threat (felony or misdemeanor)	22.07	Absolute Bar	Absolute Bar	N/A
Aiding Suicide (felony or misdemeanor)	22.08	Absolute Bar	Absolute Bar	N/A
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	Absolute Bar	N/A
Harassment by Persons in Certain Correctional Facilities; Harassment of a Public Servant (felony)	22.11	Absolute Bar	N/A	N/A

**Texas Penal Code, Title 6, Chapter 25, Offenses Against the Family**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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	N/A	N/A
Agreement to Abduct from Custody (felony)	25.031	Absolute Bar	N/A	N/A
Enticing a Child (felony or misdemeanor)	25.04	Absolute Bar	Absolute Bar	N/A
Criminal Nonsupport (felony)	25.05	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^
Harboring Runaway Child (misdemeanor)	25.06	N/A	Absolute Bar	N/A
Violations of Certain Court Orders or Conditions of Bond in a Family Violence Case (felony or misdemeanor) or Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Sexual Assault or Abuse, Stalking, or Trafficking Case (felony or misdemeanor)*	25.07	Absolute Bar	Absolute Bar	N/A
Violation of Protective Order Preventing Offense Caused by Bias or Prejudice (felony or misdemeanor)	25.071	Absolute Bar	Absolute Bar	N/A
Repeated Violation of Court Order or Condition of Bond in Family Violence case (felony or misdemeanor)	25.072	Absolute Bar	Absolute Bar	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Sale or Purchase of Child (felony)	25.08	Absolute Bar	N/A	N/A
Advertising for Placement of Child (felony or misdemeanor)	25.09	Absolute Bar	Absolute Bar	N/A
Interference with Rights of a Guardian of the Person (felony)	25.10	Absolute Bar	N/A	N/A
Continuous Violence Against the Family (felony)	25.11	Absolute Bar	N/A	N/A

### **Texas Penal Code, Title 7, Offenses Against Property**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Arson (felony)	28.02	Absolute Bar	N/A	N/A
Criminal Mischief (felony or misdemeanor)	28.03	Risk Evaluation	No Action Required	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	Risk Evaluation if conviction was in the last 10 years	N/A	Yes^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Theft (felony or misdemeanor)	31.03, 31.04, 31.05, 31.12, 31.16	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^^
Credit Card or Debit Card Abuse (felony)	32.31	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 (felony or misdemeanor)	32.45	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Securing Execution of Fiduciary Property (felony or misdemeanor)	32.46	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Exploitation of Child, Elderly Individual, or Disabled Individual (felony)	32.53	Risk Evaluation	N/A	No
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
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^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Insurance Fraud (felony or misdemeanor)	35.02	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Medicaid 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**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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^^
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^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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^^
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^^
Tampering with Governmental Record (felony or misdemeanor)	37.10	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	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^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Failure to Identify (misdemeanor)	38.02	N/A	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	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^^
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	Yes^^
Improper Contact with Victim (felony and misdemeanor)	38.111	Risk Evaluation if conviction was in the last 10 years	No Action Required	Yes^^
Violation of Protective Order Issued on Basis of Sexual Assault or Abuse, Stalking, or Trafficking (misdemeanor)	38.112	N/A	Absolute Bar	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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	N/A	Yes^^
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^^
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	N/A	No
Interference with Police Service Animals (felony or misdemeanor)	38.151	Risk Evaluation	<ul style="list-style-type: none"> <li>For Class A: Risk Evaluation if conviction was in the last 10 years</li> <li>For Class B or C: No Action Required</li> </ul>	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^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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 if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (felony or misdemeanor)	39.04	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years	No
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, Disorderly Conduct and Related Offenses**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Harassment (misdemeanor)	42.07	N/A	Risk Evaluation	No
Stalking (felony)	42.072	Absolute Bar	N/A	N/A
Abuse of Corpse (misdemeanor)	42.08	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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
Cockfighting (felony or misdemeanor)	42.105	Risk Evaluation	Risk Evaluation if conviction was in last 10 years	No
Prostitution (felony or misdemeanor)	43.02	Absolute Bar	Absolute Bar	N/A
Promotion of Prostitution (felony or misdemeanor)	43.03	Absolute Bar	Absolute Bar	N/A
Aggravated Promotion of Prostitution (felony)	43.04	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	Absolute Bar	N/A
Obscenity (felony or misdemeanor)	43.23	Absolute Bar	Absolute Bar	N/A
Sale, Distribution, or Display of Harmful Material to Minor (felony or misdemeanor)	43.24	Absolute Bar	Absolute Bar	N/A

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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	Absolute Bar	N/A

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

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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
Public Intoxication (misdemeanor)	49.02	N/A	Risk Evaluation if conviction was in the last 5 years	Yes^^

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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	5-Year Bar; Risk Evaluation b/w 5 & 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	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Flying While Intoxicated (felony or misdemeanor)	49.05	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Boating While Intoxicated (felony or misdemeanor)	49.06	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Assembling or Operating an Amusement Ride While Intoxicated (felony or misdemeanor)	49.065	5-Year Bar; Risk Evaluation b/w 5 & 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**

<b>Offense</b>	<b>Texas Penal Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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

**Texas Education Code**

**Chapter 37 Discipline; Law and Order**

<b>Offense</b>	<b>Education Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Personal Hazing Offense (felony or misdemeanor) or Hazing (felony or misdemeanor)*	37.152	Absolute Bar	Risk Evaluation if conviction was in the last 10 years	No

## Texas Family Code

### Chapter 107 Special Appointments and Social Studies

### Chapter 156 Modification

### Chapter 162 Adoption

### Chapter 261 Investigation of Report of Child Abuse or Neglect

### Chapter 262 Procedures in Suit by Governmental Entity to Protect Health and Safety of Child

<b>Offense</b>	<b>Family Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Disclosing confidential information obtained from DFPS social study (misdemeanor)	107.05145	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
General Penalty: Violating the Interstate Compact on the Placement of children (misdemeanor)	162.107	N/A	Risk Evaluation	No
Prohibited Acts: Criminal Penalties (felony or misdemeanor)	162.421	Risk Evaluation	Risk Evaluation	No
Making a False Report of Abuse or Neglect (felony)	261.107	Risk Evaluation	N/A	No
Failure to Report; Penalty (felony or misdemeanor)	261.109	Absolute Bar	Risk Evaluation	No
Conduct of Investigation (misdemeanor)	261.302	N/A	Risk Evaluation	No

<b>Offense</b>	<b>Family Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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	No

### **Texas Health and Safety Code**

**Chapter 81 Communicable Diseases**

**Chapter 161 Public Health Provisions**

**Chapter 260 Boarding Home Facilities**

**Chapter 464 Facilities Treating Alcoholics or Drug-Dependent Persons**

**Chapter 481 Texas Controlled Substances Act**

**Chapter 482 Simulated Controlled Substances**

**Chapter 483 Dangerous Drugs**

**Chapter 485 Abusable Volatile Chemicals**

**Chapter 555 State Supported Living Centers**

<b>Offense</b>	<b>Health and Safety Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Evading or Resisting Apprehension or Transport by Person Subject to Custody or Temporary Detention (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

<b>Offense</b>	<b>Health and Safety Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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^^
Criminal Penalty (misdemeanor)	464.016	N/A	Risk Evaluation	No
Manufacture or Delivery of Controlled Substances (felony)	481.112	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Manufacture or Delivery of Substance in Penalty Group 1-A (felony)	481.1121	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Manufacture or Delivery of Substance in Penalty Group 2 or 2-A (felony)	481.113	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Manufacture or Delivery of Substance in Penalty Group 3 or 4 (felony)	481.114	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession of Substance in Penalty Group 1 (felony)	481.115	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession of Substance in Penalty Group 1-A (felony)	481.1151	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession of Substance in Penalty Group 2 (felony)	481.116	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession of Substance in Penalty Group 2-A (felony or misdemeanor)	481.1161	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^

<b>Offense</b>	<b>Health and Safety Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Possession of Substance in Penalty Group 3 (felony or misdemeanor)	481.117	5-Year Bar; Risk Evaluation b/w 5 & 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	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Manufacture, Delivery, or Possession of Miscellaneous Substances (misdemeanor)	481.119	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Delivery of Marijuana (felony or misdemeanor)	481.120	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Possession of Marijuana (felony or misdemeanor)	481.121	5-Year Bar; Risk Evaluation b/w 5 & 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	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession or Transport of Certain Chemicals with Intent to Manufacture Controlled Substance (felony or misdemeanor)	481.124	5-Year Bar; Risk Evaluation b/w 5 & 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	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession or Delivery of Drug Paraphernalia (felony or misdemeanor)	481.125	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	Risk Evaluation if conviction was in the last 10 years	Felony: No Misdemeanor: Yes^^
Illegal Barter, Expenditure, or Investment (felony)	481.126	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Unauthorized Disclosure of Information (felony)	481.127	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No

<b>Offense</b>	<b>Health and Safety Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Commercial Matters (felony)	481.128	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Diversion of Controlled Substance by Restraints, Dispensers, and Certain Other Persons (felony)	481.1285	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Fraud (felony or misdemeanor)	481.129	5-Year Bar; Risk Evaluation b/w 5 & 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	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
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	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Transfer of Precursor Substance for Unlawful Manufacture (felony)	481.137	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Unlawful Transfer or Receipt of Chemical Laboratory Apparatus (felony)	481.138	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Transfer of Chemical Laboratory Apparatus for Unlawful Manufacture (felony)	481.139	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Unlawful Delivery or Manufacture with Intent to Deliver; Criminal Penalty (felony)	482.002	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Possession of Dangerous Drug (misdemeanor)	483.041	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^

<b>Offense</b>	<b>Health and Safety Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Delivery or Offer of Delivery of Dangerous Drug (felony)	483.042	5-Year Bar; Risk Evaluation b/w 5 & 10 Years	N/A	No
Manufacture of Dangerous Drug (felony)	483.043	Risk Evaluation if conviction was in the last 10 years	N/A	No
Forging or altering prescription (misdemeanor)	483.045	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Possession and Use (misdemeanor)	483.031	N/A	Risk Evaluation if conviction was in the last 10 years	Yes^^
Delivery to a Minor (felony or misdemeanor)	485.032	5-Year Bar; Risk Evaluation b/w 5 & 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**

**Chapter 40 Department of Family and Protective Services**

**Chapter 42 Regulation of Certain Facilities, Homes and Agencies that Provide Childcare Services**

**Chapter 43 Regulation of Childcare and Child Placing Agency Administrators**

**Chapter 48 Investigations and Protective Services For Elderly and Disabled Persons**

<b>Offense</b>	<b>Human Resource Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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

### Chapter 106 Provisions Related to Age

<b>Offense</b>	<b>Texas Alcoholic Beverage Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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

### Chapter 110 Computer Technicians Required to Report Child Pornography

<b>Offense</b>	<b>Texas Business and Commerce Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Failure to Report Child Pornography by Computer Technician (misdemeanor)	110.003	N/A	Risk Evaluation	No

## Texas Code of Criminal Procedure

### Chapter 62 Sex Offender Registration Program

<b>Offense</b>	<b>Texas Code of Criminal Procedure</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Failure to Comply with Sex Offender Registration Requirements (felony)	62.102	Risk Evaluation	N/A	No

## Texas Civil Practice and Remedies Code

### Chapter 81 Sexual Exploitation by Mental Health Services Provider

<b>Offense</b>	<b>Texas Civil Practice and Remedies Code</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
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**

<b>Offense</b>	<b>Texas Penal Code or any other various Texas Codes</b>	<b>FELONY</b> (Includes All Levels Unless Otherwise Specified)	<b>MISDEMEANOR</b> (Includes All Levels Unless Otherwise Specified)	<b>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?</b>
Varies – Any offense DFPS 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 an offense that has been renamed with the Regular Session of the 84<sup>th</sup> Legislature (2015). Both current and previous offense names have been provided on the chart.

\*\* Two separate offenses were given the section number 21.16 as a result of the Regular Session of the 84<sup>th</sup> Legislature (2015).

^^ Even though persons may be present at a child-care operation pending the outcome of the risk evaluation, DFPS 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 will not be permitted to transport children in the care of the operation.