

Licensed or Certified Child Care Operations: Criminal History Requirements

Revised November 2025

Introduction:

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

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

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

approved risk evaluation for the next 5 years. After the total 10 years have passed, the crime no longer requires an action by HHSC unless the person is on parole for a felony offense.

- **5- or 10- Year Bar; Risk Evaluation Thereafter:** A person convicted of the crime is prohibited for 5 or 10 years from being present at the operation while children are in care. The person requires an approved risk evaluation for the conviction after that time period has passed.

The following assumptions apply to the chart:

- This chart applies to criminal history checks for the operation types listed above per 26 Texas Administrative Code, Chapter 745, Licensing, Subchapter F, Background Checks.
- Time limits are based on the date of conviction. When a final disposition has not yet been rendered, an arrest or charge for an offense listed on this chart may affect a person's ability to be present at an operation if:
 - a conviction would bar the person from being present permanently or on a time-limited basis;
 - a conviction would prohibit the person from being present pending the outcome of a risk evaluation; or
 - the Centralized Background Check Unit (CBCU) determines that the person poses an immediate threat to the health or safety of children, as outlined in Texas Administrative Code §745.751.
- Although the crimes listed in this chart reflect only offenses in Texas statutes, the same outcomes apply to similar criminal offenses under the laws of another state or federal law. When determining similarity, CBCU considers the definition and language of the offense, the circumstances of the offense, how it relates to Texas statutes, and if a victim was a minor.
- For purposes of a person's ability to be present at an operation, a Criminal Attempt conviction will be treated as falling under same code section as the offense that was attempted. Examples:
 - A conviction for Attempt to Commit Murder would be treated in the same manner as Murder and would result in an absolute bar.
 - A conviction for Criminal Conspiracy or Criminal Solicitation will be treated as falling under the same section of the Penal Code as the offense that was the subject of the conspiracy or the solicitation.
- In accordance with 26 Texas Administrative Code §745.661(c), a person currently on parole for any felony offense not otherwise barrable must have an approved risk evaluation prior to being present at an operation.
- In accordance with 26 Texas Administrative Code §745.663(2), a deferred adjudication community supervision for an offense is always a criminal conviction with respect to HHSC's decision to issue or deny the subject a permit or to revoke the subject's permit, regardless of whether the court has dismissed the proceedings and discharged the subject after the subject successfully completed the terms of community supervision.

Table of Contents

Texas Penal Code, Title 4, Inchoate Offenses	4
Texas Penal Code, Title 5, Offenses Against the Person	4
Texas Penal Code, Title 6, Offenses Against the Family	8
Texas Penal Code, Title 7, Offenses Against Property	11
Texas Penal Code, Title 8, Offenses Against Administration	14
0Texas Penal Code, Title 9, Offenses Against Public Order and Decency	20
Texas Penal Code, Title 10, Offenses Against Public Health, Safety, and Morals	23
Texas Penal Code, Title 11, Organized Crime	24
Texas Education Code	26
Texas Family Code	27
Texas Health and Safety Code	28
Texas Human Resources Code	33
Texas Alcoholic Beverage Code	35
Texas Business and Commerce Code	35
Texas Code of Criminal Procedure	36
Texas Civil Practice and Remedies Code	36
Any other Title under the Texas Penal Code or any other Texas Code not specifically mentioned above	37

Texas Penal Code, Title 4, Inchoate Offenses

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Criminal Solicitation of a Minor (felony or misdemeanor)	15.031	Absolute Bar†	Absolute Bar	Absolute Bar†	Absolute Bar	N/A
Child Grooming (felony)	15.032	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

Texas Penal Code, Title 5, Offenses Against the Person

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Murder (felony)	19.02	Absolute Bar†	N/A	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
Criminally Negligent Homicide (felony)	19.05	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A
Unlawful Restraint (felony or misdemeanor)	20.02	Absolute Bar	Risk Evaluation††	Absolute Bar	Risk Evaluation††	No
Kidnapping (felony)	20.03	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Aggravated Kidnapping (felony)	20.04	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Smuggling of Persons (felony)	20.05	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Continuous Smuggling of Persons (felony)	20.06	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Operation Of A Stash House (felony)	20.07	Absolute Bar	N/A	Absolute Bar	N/A	N/A
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
Continuous Sexual Abuse of Young Child or Disabled Individual (felony)	21.02	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Public Lewdness (felony or misdemeanor)	21.07	Absolute Bar	Risk Evaluation ††	Absolute Bar	Risk Evaluation ††	No
Indecent Exposure (felony or misdemeanor)	21.08	Absolute Bar	Risk Evaluation ††	Absolute Bar	Risk Evaluation ††	No
Bestiality (felony)	21.09	Absolute Bar	Absolute Bar^	Absolute Bar	Absolute Bar^	N/A
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
Invasive Visual Recording (felony)	21.15	Absolute Bar	Absolute Bar^	Absolute Bar	Absolute Bar^	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Unlawful Disclosure or Promotion of Intimate Visual Material (felony)	21.16	Absolute Bar	Absolute Bar^	Absolute Bar	Absolute Bar^	N/A
Unlawful Production or Distribution of Certain Sexually Explicit Videos (misdemeanor)	21.165	N/A	Absolute Bar	N/A	Absolute Bar	N/A
Voyeurism (felony or misdemeanor)	21.17	Absolute Bar	Absolute Bar	Absolute Bar	Absolute Bar	N/A
Sexual Coercion (felony)	21.18	Absolute Bar	Absolute Bar^	Absolute Bar	Absolute Bar^	N/A
Unlawful Electronic Transmission Of Sexually Explicit Visual Material (misdemeanor)	21.19	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Assault (felony or misdemeanor)	22.01	Absolute Bar†	Risk Evaluation††	Absolute Bar†	Risk Evaluation††	No
Sexual Assault (felony)	22.011	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A
Indecent Assault (felony or misdemeanor)	22.012	Absolute Bar	Risk Evaluation ††	Absolute Bar	Risk Evaluation ††	No
Aggravated Assault (felony)	22.02	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Aggravated Sexual Assault (felony)	22.021	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

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

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Harassment by Persons in Certain Facilities; Harassment of a Public Servant (felony)	22.11	Absolute Bar	N/A	Absolute Bar	N/A	N/A

Texas Penal Code, Title 6, Offenses Against the Family

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Bigamy (felony)	25.01	Risk Evaluation††	N/A	Risk Evaluation††	N/A	No
Prohibited Sexual Conduct (felony)	25.02	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Interference with Child Custody (felony)	25.03	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A
Agreement to Abduct from Custody (felony)	25.031	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A
Enticing a Child (felony or misdemeanor)	25.04	Absolute Bar†	Absolute Bar	Absolute Bar†	Absolute Bar	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Criminal Nonsupport (felony)	25.05	Absolute Bar†	Risk Evaluation if conviction was in the last 10 years	Absolute Bar†	Risk Evaluation if conviction was in the last 10 years^	Yes^^
Harboring Runaway Child (misdemeanor)	25.06	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case (felony or misdemeanor)	25.07	Absolute Bar†	Absolute Bar	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	Absolute Bar†	Absolute Bar	N/A

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

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Arson (felony)	28.02	Absolute Bar†	Risk Evaluation^††	Absolute Bar†	Risk Evaluation^††	Felony: N/A Misdemeanor: No
Criminal Mischief (felony or misdemeanor)	28.03	Risk Evaluation††	No Action Required	Risk Evaluation#††	Risk Evaluation	No
Damaging Critical Infrastructure Facility (felony)	28.09	Risk Evaluation††	N/A	Risk Evaluation#††	N/A	No
Robbery (felony)	29.02	Absolute Bar†	N/A	Absolute Bar†	N/A	No
Aggravated Robbery (felony)	29.03	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Burglary (felony)	30.02 30.04	Risk Evaluation if the conviction related to the burglary of a habitation no matter when the conviction occurred. Otherwise, risk evaluation if conviction was in the last 10 years††	No Action Required^	Risk Evaluation if the conviction related to the burglary of a habitation no matter when the conviction occurred. Otherwise, risk evaluation if conviction was in the last 10 years#††	No Action Required**^	No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Credit Card or Debit Card Abuse (felony)	32.31	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	10-Year Bar; Risk Evaluation Thereafter	Risk Evaluation if conviction was in the last 10 years ^{**^}	Yes ^{^^}
Fraudulent Use Or Possession Of Credit Card Or Debit Card Information (felony)	32.315	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation if conviction was in the last 10 years [^]	10-Year Bar; Risk Evaluation Thereafter	Risk Evaluation if conviction was in the last 10 years ^{**^}	Yes ^{^^}
Fraudulent Use or Possession of Identifying Information (felony)	32.51	Risk Evaluation if conviction was in the last 10 years ^{††}	Risk Evaluation if conviction was in the last 10 years [^]	Risk Evaluation ^{#††}	Risk Evaluation if conviction was in the last 10 years ^{**^}	Yes ^{^^}
Fraudulent, Substandard, or Fictitious Degree (misdemeanor)	32.52	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation	Yes ^{^^}
Exploitation of Child, Elderly Individual, or Disabled Individual (felony)	32.53	Risk Evaluation ^{††}	N/A	Risk Evaluation ^{#††}	N/A	No
Financial Abuse of Elderly Individual (felony or misdemeanor)	32.55	Risk Evaluation	Risk Evaluation	10-Year Bar; Risk Evaluation Thereafter	Risk Evaluation	Yes ^{^^}
Breach of Computer Security (felony or misdemeanor)	33.02	Risk Evaluation ^{††}	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation ^{#††}	Risk Evaluation if conviction was in the last 10 years	Yes ^{^^}

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Online Solicitation of a Minor (felony)	33.021	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Electronic Data Tampering (felony or misdemeanor)	33.023	Risk Evaluation††	Risk Evaluation if the conviction was in the last 10 years	Risk Evaluation#††	Risk Evaluation if conviction was in the last 10 years**	Yes^^
Unlawful Decryption (felony or misdemeanor)	33.024	Risk Evaluation††	Risk Evaluation if the conviction was in the last 10 years	Risk Evaluation#††	Risk Evaluation if conviction was in the last 10 years**	Yes^^
Money Laundering (felony)	34.02	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years^	10-Year Bar; Risk Evaluation Thereafter	Risk Evaluation^	Yes^^

Texas Penal Code, Title 8, Offenses Against Administration

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Coercion of Public Servant or Voter (felony or misdemeanor)	36.03	Risk Evaluation††	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation††	Risk Evaluation if conviction was in the last 10 years	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 or misdemeanor)	36.05	Risk Evaluation††	Risk Evaluation††	Risk Evaluation††	Risk Evaluation††	No
Obstruction or Retaliation (felony)	36.06	Absolute Bar	N/A	Absolute Bar	N/A	N/A
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^^
Aggravated Perjury (felony)	37.03	Risk Evaluation	N/A	Risk Evaluation	N/A	Yes^^

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Misrepresenting Child As Family Member At Port Of Entry (misdemeanor)	37.082	N/A	Absolute Bar	N/A	Absolute Bar	N/A
False Report to Peace Officer, Federal Special Investigator, Law Enforcement Employee, Corrections Officer or Jailer (misdemeanor)	37.08	N/A	Risk Evaluation	N/A	Risk Evaluation	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††	No Action Required	Risk Evaluation††	No Action Required	Yes^^
Impersonating a Public Servant (felony)	37.11	Risk Evaluation††	N/A	Risk Evaluation ††	N/A	Yes^^
Record of a Fraudulent Court (felony or misdemeanor)	37.13	Risk Evaluation††	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation††	Risk Evaluation if conviction was in the last 10 years	Yes^^

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
False Statement Regarding Child Custody Determination Made in Foreign Country (felony)	37.14	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Resisting Arrest, Search, or Transportation (felony or misdemeanor)	38.03	Absolute Bar†	Risk Evaluation if conviction was in the last 10 years	Absolute Bar†	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	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	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	Risk Evaluation††	Risk Evaluation	Felony: No Misdemeanor: Yes^^
Implements for Escape (felony)	38.09	Risk Evaluation††	N/A	Risk Evaluation††	N/A	No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Prohibited Substances and Items in Correctional or Civil Commitment Facility (felony)	38.11	Risk Evaluation††	N/A	Risk Evaluation	N/A	No
Improper Contact with Victim (felony or misdemeanor)	38.111	Absolute Bar	Absolute Bar	Absolute Bar	Absolute Bar	N/A
Tampering with Electronic Monitoring Device (felony)	38.112	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
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	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^^
Contraband in Correctional Facility (misdemeanor)	38.114	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
Operation of Unmanned Aircraft Over Correctional Facility or Detention Facility (felony or misdemeanor)	38.115	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
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^^
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	Absolute Bar†	Risk Evaluation^	Absolute Bar†	Risk Evaluation^	No
Interference with Police Service Animals (felony or misdemeanor)	38.151	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	Felony: No Misdemeanor: Yes^^
Interference with Radio Frequency Licensed to Government Entity (felony or misdemeanor)	38.152	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Risk Evaluation	Risk Evaluation if conviction was in the last 10 years	Yes^^

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Stop or Report Aggravated Sexual Assault of Child (misdemeanor)	38.17	N/A	Absolute Bar	N/A	Absolute Bar	No
Failure to Report Felony (misdemeanor)	38.171	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Failure to Report Assault, Neglect, or Omission of Care in Certain Group Homes (misdemeanor)	38.172	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Official Oppression (felony or misdemeanor)	39.03	Risk Evaluation ††	Risk Evaluation	Risk Evaluation††	Risk Evaluation	No
Violations of the Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody (felony or misdemeanor)	39.04	Absolute Bar	Absolute Bar	Absolute Bar	Absolute Bar	N/A
Improper Sexual Activity with a Committed Person (felony)	39.041	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Failure to Report Death of Prisoner (misdemeanor)	39.05	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^

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

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Disorderly Conduct (misdemeanor)	42.01(a)(7) 42.01(a)(8) 42.01(a)(9) 42.01(a)(10) 42.01(a)(11)	N/A	Risk Evaluation††	N/A	Risk Evaluation††	No
Interference with Emergency Request for Assistance (felony or misdemeanor)	42.062	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
Harassment (misdemeanor)	42.07	N/A	Risk Evaluation††	N/A	Risk Evaluation††	No
Stalking (felony)	42.072	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Unlawful Disclosure of Residence Address or Telephone Number (misdemeanor)	42.074	N/A	Risk Evaluation††	N/A	Risk Evaluation††	No
Abuse of Corpse (felony or misdemeanor)	42.08	Risk Evaluation	No Action Required	Risk Evaluation	No Action Required	No
Cruelty to Animals (felony or misdemeanor)	42.09 42.091 42.092	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Dogfighting or Cockfighting (felony or misdemeanor)	42.10 42.105	Risk Evaluation	Risk Evaluation	Risk Evaluation#	Risk Evaluation#	No
Prostitution (felony or misdemeanor)	43.02	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
Solicitation of Prostitution (felony)	43.021	Risk Evaluation††	Risk Evaluation^	Risk Evaluation††	Risk Evaluation^	No
Promotion of Prostitution (felony)	43.03	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Online Promotion Of Prostitution (felony)	43.031	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Aggravated Promotion of Prostitution (felony)	43.04	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Aggravated Online Promotion Of Prostitution (felony)	43.041	Absolute Bar	N/A	Absolute Bar	N/A	N/A
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	No

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Sale, Distribution, or Display of Harmful Material to Minor (felony or misdemeanor)	43.24	Absolute Bar†	Risk Evaluation††	Absolute Bar†	Risk Evaluation††	No
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	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
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	Absolute Bar	N/A	Absolute Bar	No
Possession or Promotion of Lewd Visual Material Depicting Child (felony)	43.262	Absolute Bar†	Absolute Bar^	Absolute Bar†	Absolute Bar^	N/A
Certain Sexually Oriented Performances Prohibited (misdemeanor)	43.28	N/A	Risk Evaluation††	N/A	Risk Evaluation††	No

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

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Unlawful Possession of Firearm (felony or misdemeanor)	46.04	Absolute Bar	Risk Evaluation if conviction was in the last 10 years	Absolute Bar	Risk Evaluation if conviction was in the last 10 years	No
Prohibited Weapons (felony)	46.05	Risk Evaluation	Risk Evaluation^	Risk Evaluation	Risk Evaluation^	No
Hoax Bombs (misdemeanor)	46.08	N/A	Risk Evaluation††	N/A	Risk Evaluation††	No
Making a Firearm Accessible to a Child (misdemeanor)	46.13	N/A	Risk Evaluation if conviction was in the last 10 years††	N/A	Risk Evaluation if conviction was in the last 10 years††	Yes^^
Firearm Smuggling (felony)	46.14	Absolute Bar	N/A	Absolute Bar	N/A	N/A
Prohibition of the Purchase and Sale of Human Organs (misdemeanor)	48.02		Risk Evaluation		Risk Evaluation	No
Prohibition on Purchase and Sale of Human Fetal Tissue (felony)	48.03	Absolute Bar†	Risk Evaluation^	Absolute Bar†	Risk Evaluation^	No
Driving, Flying, Boating or Assembling Amusement Ride While Intoxicated (felony or misdemeanor)	49.04 49.05 49.06 49.07 49.09	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^^

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Driving or Boating While Intoxicated with Child Passenger (felony)	49.045 49.061	Absolute Bar†	5-Year Bar; Risk Evaluation Thereafter^	Absolute Bar†	5-Year Bar; Risk Evaluation Thereafter^	No
Intoxication Assault (felony)	49.07	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
Intoxication Manslaughter (felony)	49.08	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A

Texas Penal Code, Title 11, Organized Crime

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Engaging in Organized Criminal Activity (felony or misdemeanor)	71.02	Risk Evaluation††	Risk Evaluation††	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

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
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
Use of Proceeds Derived from Racketeering or Unlawful Debt Collection (felony)	72.02	Risk Evaluation††	N/A	10-Year Bar; Risk Evaluation Thereafter††	Risk Evaluation	No
Acquisition of Interest in Property or Control of Enterprise through Racketeering or Unlawful Debt Collection (felony)	72.03	Risk Evaluation††	N/A	10-Year Bar; Risk Evaluation Thereafter††	Risk Evaluation	No
Participation in Enterprise Through Racketeering or Unlawful Deb Collection (felony)	72.04	Risk Evaluation††	N/A	10-Year Bar; Risk Evaluation Thereafter††	Risk Evaluation	No
Terrorism (felony or misdemeanor)	76.02	Absolute Bar	Absolute Bar	Absolute Bar	Absolute Bar	N/A
Aiding in Commission of Terrorism (felony or misdemeanor)	76.03	Absolute Bar	Absolute Bar	Absolute Bar	Absolute Bar	N/A

Offense	Texas Penal Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Hindering Prosecution of Terrorism (felony or misdemeanor)	76.04	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No

Texas Education Code

Offense	Texas Education Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Personal Hazing Offense (felony or misdemeanor) or Hazing (felony or misdemeanor)	37.152	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	No
Requirement to Report Misconduct (felony)	21.006	Risk Evaluation††	Risk Evaluation^	Risk Evaluation††	Risk Evaluation^	Yes^^
Failure To Report Or False Report; Offenses (misdemeanor)	51.255	N/A	Risk Evaluation	N/A	Risk Evaluation	No

Texas Family Code

Offense	Texas Family Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Child Custody Evaluator Access to Investigative Records of Department (misdemeanor)	107.111	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Modification of Order on Conviction for Child Abuse or Family Violence (misdemeanor)	156.104 156.1045	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
Offenses; Penalties-Violating the Interstate Compact on the Placement of Children (misdemeanor)	162.107	N/A	Risk Evaluation	N/A	Risk Evaluation	No
Prohibited Acts: Criminal Penalties (felony or misdemeanor)	162.421	Risk Evaluation	Risk Evaluation	Risk Evaluation	Risk Evaluation	No
False Report; Criminal Penalty; Civil Penalty (felony)	261.107	Absolute Bar†	Risk Evaluation^	Absolute Bar†	Risk Evaluation^	Yes^^
Failure to Report; Penalty (felony or misdemeanor)	261.109	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	No

Offense	Texas Family Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at the Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Conduct/Interference of Investigation (misdemeanor)	261.302 261.3032	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
Removal of Alleged Perpetrator; Offense (felony or misdemeanor)	262.1015	Absolute Bar†	Risk Evaluation	Absolute Bar†	Risk Evaluation	No

Texas Health and Safety Code

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Evading or Resisting Apprehension or Transport - Criminal Penalty (misdemeanor)	81.212	N/A	Risk Evaluation if conviction was in the last 10 years	N/A	Risk Evaluation if conviction was in the last 10 years	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

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Report: Criminal Penalty (misdemeanor)	260A.012	N/A	Risk Evaluation††	N/A	Risk Evaluation††	No
Bad Faith, Malicious or Reckless Reporting: Criminal Penalty (misdemeanor)	260A.013	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Required Report by Lessor Abuse, Neglect, or Exploitation; Criminal Penalty (misdemeanor)	260.0091	N/A	Risk Evaluation††	N/A	Risk Evaluation††	No
Criminal Penalty (misdemeanor)	464.016	N/A	Risk Evaluation††	N/A	Risk Evaluation††	No
Manufacture or Delivery of Substances (felony)	481.112 481.1121 481.113 481.114	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 1-2 (felony)	481.115 481.1151 481.116	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 2A-4 (felony or misdemeanor)	481.1161 481.117 481.118	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^^

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role 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?
Manufacture, Delivery, or Possession of Miscellaneous Substances (felony or misdemeanor)	481.119	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 or Possession of Marijuana (felony or misdemeanor)	481.120 481.121	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	Absolute Bar†	N/A	Absolute Bar†	N/A	N/A
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^^
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^^

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role 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?
Illegal Barter, Expenditure, or Investment (felony)	481.126	Risk Evaluation	N/A	Risk Evaluation#	N/A	No
Unauthorized Disclosure of Information (felony)	481.127	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^^
Commercial Matters (felony)	481.128	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 by Registrants, Dispensers, and Certain Other Persons (felony)	481.1285	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^^
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††	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^^
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^^
Unlawful Transfer or Receipt of Chemical Precursor or Chemical Laboratory Apparatus (felony)	481.136 481.138	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^^

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role 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?
Transfer of Precursor Substance or Chemical Laboratory Apparatus for Unlawful Manufacture (felony)	481.137 481.139	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††	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 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	Yes^^
Delivery or Offer of Delivery of Dangerous Drug (felony)	483.042	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 of Dangerous Drug (felony)	483.043	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^^
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	Yes^^
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	Yes^^
Delivery to a Minor (felony or misdemeanor)	485.032	Absolute Bar†	Risk Evaluation††	Absolute Bar†	Risk Evaluation††	Yes^^

Offense	Texas Health and Safety Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role 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?
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††	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††	N/A	Risk Evaluation††	No

Texas Human Resources Code

Offense	Texas Human Resources Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Confidentiality of Information (misdemeanor)	40.005	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^

Offense	Texas Human Resources Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role 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?
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^^
Penalty (misdemeanor)	43.012	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^
Failure to Report; Penalty (felony or misdemeanor)	48.052	Risk Evaluation††	Risk Evaluation††	Risk Evaluation††	Risk Evaluation††	No
False Report; Penalty (misdemeanor)	48.053	N/A	Risk Evaluation	N/A	Risk Evaluation	Yes^^

Texas Alcoholic Beverage Code

Offense	Texas Alcoholic Beverage Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Purchase of Alcohol for a Minor; Furnishing Alcohol to a Minor (felony or misdemeanor)	106.06	Absolute Bar†	Risk Evaluation††	Absolute Bar†	Risk Evaluation††	No
Prohibited Activities by Persons Younger than 18 (misdemeanor)	106.15	N/A	5-Year Bar, Risk Evaluation Thereafter††	N/A	5-Year Bar, Risk Evaluation Thereafter††	No

Texas Business and Commerce Code

Offense	Texas Business and Commerce Code	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Failure to Report Child Pornography by Computer Technician (misdemeanor)	110.003	N/A	Absolute Bar††	N/A	Absolute Bar ††	N/A

Texas Code of Criminal Procedure

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

Texas Civil Practice and Remedies Code

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

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

Offense	Texas Penal Code or Any Other Various Texas Codes	FELONY (Includes All Levels Unless Otherwise Specified)	MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role FELONY (Includes All Levels Unless Otherwise Specified)	Licensed Administrator Role MISDEMEANOR (Includes All Levels Unless Otherwise Specified)	If This Person Is Eligible for a Risk Evaluation, May the Person be Present at a Child-Care Operation While Children are in Care Pending the Outcome of the Risk Evaluation?
Varies – Any offense not otherwise listed on this chart that HHSC determines is a financial crime	Varies	Risk Evaluation if conviction was in the last 10 years††	No Action Required††	10-Year Bar; Risk Evaluation Thereafter††	Risk Evaluation††	Yes^^
Varies – Any offense not otherwise listed on this chart	Varies	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††	No

** These offenses require a risk evaluation regardless of time if there is a financial component to the crime.

These offenses result in a 10-year bar and Risk Evaluation thereafter if there is a financial component to the crime.

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

†† These convictions may result in an absolute bar depending on the circumstances of the offense based on federal requirements set forth in 42 U.S.C. §9858f(c)(1). Felonies committed involving murder, child abuse or neglect, crimes against children, spousal abuse, rape or sexual assault, kidnapping, arson or physical assault or battery are subject to an absolute bar. Violent misdemeanors committed as an adult against a child, or misdemeanors involving child pornography are subject to an absolute bar.

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

^^ Even though persons may be present at a child-care operation pending the outcome of the risk evaluation, HHSC may place conditions or restrictions on a person's duties in order for the person to be present at the operation.