

Amend CSHB 2730 (house committee report) by adding the following appropriately numbered article to the bill and renumbering subsequent articles of the bill accordingly:

ARTICLE \_\_\_\_\_. ALTERNATIVE METHODS OF OBTAINING CRIMINAL HISTORY INFORMATION AND REGISTRATION OF PRIVATE VENDORS TO OBTAIN CRIMINAL HISTORY INFORMATION

SECTION \_\_\_\_\_.01. Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.0852 to read as follows:

Sec. 411.0852. PRIVATE VENDORS PROVIDING CRIMINAL HISTORY RECORD INFORMATION; REGISTRATION OF VENDORS. (a) In this section:

(1) "Commission" means the Texas Commission of Licensing and Regulation.

(2) "Department" means the Texas Department of Licensing and Regulation.

(b) An entity authorized or required under the laws of this state to obtain criminal history record information, including national criminal history record information, regarding a person may elect, as an alternative, to contract with a private vendor registered under this section to obtain both the criminal history record information and identity verification through electronic-based data records.

(c) The commission by rule shall develop criteria for a vendor to register with the state to provide criminal history record information and perform identity verification. In developing the criteria, the commission shall consult with law enforcement officials and industry experts to ascertain the latest trends in and technologies available for conducting criminal background checks and identity verification. The commission may annually update the criteria based on the latest trends and the latest technologies available in conducting criminal background checks.

(d) A private vendor may not provide criminal history record information or perform identity verification for any entity authorized or required under the laws of this state to obtain the information or verification unless the vendor is registered in accordance with this section and rules adopted under this section. A vendor must submit to the department on the form prescribed by the

department an application requesting registration to provide criminal history record information and perform identity verification for entities required or authorized to obtain criminal history record information. The department shall approve or deny the application not later than the 30th day after the date the department receives the application.

(e) The department may charge an application fee in an amount sufficient to cover the costs to administer this section to vendors who apply for registration under this section.

(f) A vendor registered by the department to perform electronic criminal background checks and identity verification may annually renew the registration by submitting to the department a renewal application on the form prescribed by the department.

(g) The vendor shall report the results of a criminal background check and identity verification to the contracting entity by e-mail. The vendor's report must be viewable to the contracting entity through a secure Internet website.

(h) A private vendor is liable to this state for a civil penalty of not more than \$1,000 for each violation if the vendor violates this section or a rule adopted under this section.

(i) The amount of the penalty assessed under Subsection (h) shall be based on:

- (1) the seriousness of the violation;
- (2) the history of previous violations;
- (3) the amount necessary to deter a future violation;

and

- (4) any other matter that justice may require.

(j) The attorney general may sue to collect a civil penalty under this section. In the suit the attorney general may recover, on behalf of the state, the reasonable expenses incurred in obtaining the penalty, including investigation and court costs, reasonable attorney's fees, witness fees, and other expenses.

SECTION \_\_\_\_\_.02. Not later than December 1, 2009, the Texas Commission of Licensing and Regulation shall develop criteria for registering a vendor to perform criminal background checks and identity verification under Section 411.0852, Government Code, as added by this article.