

Amend CSHB 2730 (Senate 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.

(3) "Private vendor" means a person registered under this section to obtain both criminal history record information and identity verification through electronic-based data records for 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.

(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. If a governmental entity is required to obtain criminal history record information or verify a person's identity using the person's fingerprints, a private vendor with whom the state agency has contracted under this section must obtain the criminal history record information from the Department of Public Safety or verify the person's identity with the Department of Public Safety.

(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.

(e) The commission shall set fees in an amount sufficient to cover the costs to administer this section.

(f) A vendor registered by the department under this section may annually renew the registration by payment of a renewal fee and 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 or other method approved by the department. The vendor's report must be viewable to the contracting entity through a secure Internet website.

(h) A person who violates this section or a rule or order issued under this section is subject to administrative penalties, civil penalties, and other penalties and enforcement proceedings under Chapter 51, Occupations Code.

(i) The commission shall issue orders and adopt rules and criminal conviction guidelines necessary to ensure compliance with this section.

SECTION \_\_.02. Not later than April 1, 2010, 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.

SECTION \_\_.03. Notwithstanding Section 411.0852(d), Government Code, as added by this article, a private vendor is not required to register with the Texas Department of Licensing and Regulation to provide criminal history record information or perform identity verifications before July 1, 2010.

SECTION \_\_.04. Section 411.0852, Government Code, as added by this Act, applies only to a contract entered into, renewed, or extended, on or after July 1, 2010. A contract entered into, renewed, or extended, before July 1, 2010, is governed by the law in effect when the contract was entered into, renewed, or extended and the former law is continued in effect for that purpose.