

1-1 By: Eltife S.B. No. 1075
 1-2 (In the Senate - Filed March 9, 2015; March 16, 2015, read
 1-3 first time and referred to Committee on Business and Commerce;
 1-4 April 15, 2015, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; April 15, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7	X			
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to criminal history record information obtained by the
 1-20 consumer credit commissioner.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Section 411.095, Government Code, is amended to
 1-23 read as follows:

1-24 Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD
 1-25 INFORMATION: CONSUMER CREDIT COMMISSIONER. (a) The consumer
 1-26 credit commissioner is entitled to obtain from the department
 1-27 criminal history record information that relates to a person who
 1-28 is:

1-29 (1) an applicant for or holder of a license or
 1-30 registration under Chapter 180, 342, 347, 348, 351, 353, ~~371~~,
 1-31 393, or 394, Finance Code;

1-32 (2) an employee of or volunteer with the Office of
 1-33 Consumer Credit Commissioner;

1-34 (3) an applicant for employment with the Office of
 1-35 Consumer Credit Commissioner; or

1-36 (4) a contractor or subcontractor of the Office of
 1-37 Consumer Credit Commissioner.

1-38 (b) The consumer credit commissioner may not release or
 1-39 disclose criminal history record information obtained under this
 1-40 section unless:

1-41 (1) the information is obtained from a
 1-42 fingerprint-based search; and

1-43 (2) the information is released or disclosed:

1-44 (A) on court order;

1-45 (B) to the person who is the subject of the
 1-46 criminal history record information; or

1-47 (C) with the consent of the person who is the
 1-48 subject of the criminal history record information.

1-49 SECTION 2. Section 14.151, Finance Code, is amended to read
 1-50 as follows:

1-51 Sec. 14.151. OBTAINING INFORMATION. (a) The commissioner
 1-52 or an assistant commissioner, examiner, or other employee of the
 1-53 office shall obtain criminal history record information maintained
 1-54 by the Department of Public Safety, the Federal Bureau of
 1-55 Investigation Identification Division, or another law enforcement
 1-56 agency relating to a person described by Section 411.095(a)(1),
 1-57 Government Code[+]

1-58 [(1) an applicant for a license issued by the
 1-59 commissioner; or

1-60 [(2) a person licensed under the commissioner's
 1-61 authority].

2-1 (b) For an applicant for a license or registration, ~~[or]~~
2-2 license holder, or registrant that is a business entity, the
2-3 criminal history record information requirement of this section
2-4 applies to an officer, director, owner, or employee of the entity or
2-5 another person having a substantial relationship with the entity.

2-6 SECTION 3. Section 14.152, Finance Code, is amended to read
2-7 as follows:

2-8 Sec. 14.152. FINGERPRINT REQUIREMENT; PENALTY. The
2-9 commissioner may refuse to grant a license or registration to, or
2-10 may suspend or revoke the license or registration of, an applicant,
2-11 ~~[or]~~ license holder, or registrant described by Section
2-12 411.095(a)(1), Government Code, who fails to provide, on request, a
2-13 complete set of legible fingerprints on a fingerprint card format
2-14 approved by the Department of Public Safety and the Federal Bureau
2-15 of Investigation.

2-16 SECTION 4. The heading to Section 14.155, Finance Code, is
2-17 amended to read as follows:

2-18 Sec. 14.155. DISCLOSURE~~[, OFFENSE]~~.

2-19 SECTION 5. Section 14.155(a), Finance Code, is amended to
2-20 read as follows:

2-21 (a) The office may not release or disclose ~~[provide a person~~
2-22 ~~being investigated under this subchapter with a copy of the~~
2-23 ~~person's]~~ criminal history record information obtained from the
2-24 Department of Public Safety, Federal Bureau of Investigation
2-25 Identification Division, or other law enforcement agency, except as
2-26 provided by Section 411.095(b), Government Code. ~~[This subchapter~~
2-27 ~~does not prevent the office from:~~

2-28 ~~[(1) disclosing to the person being investigated a~~
2-29 ~~date and place of arrest or an offense or disposition contained in~~
2-30 ~~the criminal history record; or~~

2-31 ~~[(2) disclosing criminal history record information~~
2-32 ~~to, and discussing the information with, an authorized law~~
2-33 ~~enforcement agency with an interest in the person to whom the~~
2-34 ~~information relates.]~~

2-35 SECTION 6. Section 14.156, Finance Code, is amended to read
2-36 as follows:

2-37 Sec. 14.156. RECOVERY OF COSTS. In addition to an
2-38 investigation fee paid to the commissioner by an applicant for a
2-39 license or registration ~~[applicant]~~, the commissioner is entitled
2-40 to recover from an applicant, ~~[or]~~ license holder, or registrant
2-41 the cost of processing an inquiry to determine whether the person
2-42 has a criminal history record.

2-43 SECTION 7. Sections 14.154(b) and 14.155(b), Finance Code,
2-44 are repealed.

2-45 SECTION 8. This Act takes effect September 1, 2015.

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