

BILL ANALYSIS

H.B. 2580
By: Holland
Investments & Financial Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that as the regulatory authority of the savings and mortgage lending commissioner has increased, so should the commissioner's ability to obtain criminal history record information from the Department of Public Safety that relates to the individuals over whom the commissioner has such authority. H.B. 2580 seeks to address this issue by changing the law regarding the criminal history record information obtained by the savings and mortgage lending commissioner.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2580 amends the Government Code to expand the criminal history record information maintained by the Department of Public Safety (DPS) that the savings and mortgage lending commissioner is entitled to obtain from information that relates to an applicant for or holder of a license issued under the Residential Mortgage Loan Company Licensing and Registration Act or the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act to information that relates to an applicant for or holder of a license, charter, or other authority granted or issued by the commissioner under the Texas Savings and Loan Act, the Texas Savings Bank Act, the Residential Mortgage Loan Company Licensing and Registration Act, the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act, the Residential Mortgage Loan Servicer Registration Act, or the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009; an employee of or volunteer with the Department of Savings and Mortgage Lending; an applicant for employment or an internship with that department; or a contractor or subcontractor of that department.

H.B. 2580 prohibits the commissioner from releasing or disclosing criminal history record information obtained by the commissioner unless the information is obtained from a fingerprint-based search and the information is released or disclosed on court order, to the person who is the subject of the criminal history record information, or with that person's consent.

EFFECTIVE DATE

September 1, 2017.