

- SUBJECT:** Criminal history records for sexually oriented business license applicants
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 10 ayes — Gallego, Christian, Fletcher, Kent, Miklos, Moody, Pierson, Riddle, Vaught, Vo
- 0 nays
- 1 absent — Hodge
- WITNESSES:** For — Christina Smith, Dallas Police Department; (*Registered, but did not testify*: Laura Andersen, San Antonio Police Department; John Chancellor, Texas Police Chiefs Association; Steve Lyons, Houston Police Department)
- Against — None
- BACKGROUND:** Local Government Code, sec. 243.007 authorizes municipalities and counties to require sexually oriented businesses to be licensed.
- DIGEST:** HB 960 would amend Government Code, sec. 411.122 to authorize a municipality or county that required a sexually oriented business to apply for a license or permit to access the Department of Public Safety (DPS) criminal history record information for a person if that person:
- was an applicant for a license or other permit from the municipality or county;
 - was a license or permit holder from the municipality or county; or
 - requested an eligibility determination for a license or other permit from the municipality or county.
- The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009, and apply only to permit and license applications sought on or after the effective date.

**SUPPORTERS
SAY:**

HB 960 would allow local jurisdictions to do complete criminal history background checks on applicants for sexually oriented business licenses. License applications often require criminal background checks, but the Federal Bureau of Investigation currently will not allow municipalities and counties access to the National Crime Information Center (NCIC) criminal history record information without explicit state authorization.

The bill would grant municipalities and counties explicit authorization to access DPS's criminal history record information, including NCIC information. If cities and counties did not have access to the national information, a person could be convicted of a crime in another state and still obtain a sexually oriented business license, even if that crime would have disqualified that person from obtaining a license had it been committed in Texas.

**OPPONENTS
SAY:**

No apparent opposition.