

BILL ANALYSIS

Senate Research Center

C.S.H.B. 660
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Government Organization
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Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, the Texas Government Code provides authority to all licensing and regulatory agencies that are not authorized in the chapter to access criminal history record information maintained by the Department of Public Safety (DPS) in regard to applicants or license holders. The Government Code provides access to criminal history record information maintained by the Federal Bureau of Investigation (FBI) to any agency specified in the chapter.

However, in order to access the federal criminal records database, known as the National Crime Information Center (NCIC), the FBI requires that agencies must be specifically named in state statute. Some of Texas' regulatory agencies have had their own specific section added to the code, such as the Board of Medical Examiners and the Board of Nurse Examiners, and therefore are eligible to perform FBI criminal history checks.

C.S.H.B. 660 gives specific authority to all licensing and regulatory agencies in Texas to perform both DPS and FBI criminal history record checks.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.122, Government Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

- (a) Provides that except as provided by Subsection (c)(2), an agency of this state listed in Subsection (d) or a political subdivision of this state covered by Chapter 53, Occupations Code, that licenses or regulates members of a particular trade, occupation, business, vocation, or profession is entitled to obtain from the department criminal history record information maintained by the department that relates to certain persons, including a person who requests a determination of eligibility for a license from the agency.
- (c) Provides that this section does not apply to certain agencies.
- (d) Provides that certain state agencies are subject to this section.

SECTION 2. Repealer: Section 411.122(b) (Access to Criminal History Record Information: Licensing or Regulatory Agency), Government Code.

SECTION 3. Effective date: September 1, 2003.