

BILL ANALYSIS

Senate Research Center
85R7369 KJE-F

H.B. 1779
By: Dale (Perry)
Criminal Justice
5/13/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that there is a lack of clarity with regard to the authority of the Department of Public Safety (DPS) in running criminal background checks. H.B. 1779 provides clarity to this issue by revising the group of persons for whom DPS is expressly authorized to obtain and use criminal history record information for purposes of performing certain departmental functions.

H.B. 1779 amends current law relating to the authority of the Department of Public Safety to obtain and use criminal history record information for the purpose of performing certain departmental functions.

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 411.0891(a), Government Code, as follows:

(a) Provides that the Texas Department of Public Safety (DPS), subject to Section 411.087 (Access to Criminal History Record Information Maintained by Federal Bureau of Investigation or Local Criminal Justice Agency), is authorized to obtain and use criminal history record information maintained by the Federal Bureau of Investigation or DPS that relates to a person who:

(1) is an applicant for or holds a Capitol access pass issued by DPS under Section 411.0625 (Pass for Expedited Access to Capitol);

(2) is an applicant for or holds a license to carry a handgun issued by DPS under Subchapter H (License to Carry a Handgun) or is an applicant for or holds a certification as a qualified handgun instructor issued by DPS under that subchapter;

(3) is an applicant for or holds a chemical precursor transfer permit issued by the public safety director (director) under Section 481.078 (Chemical Precursor Transfer Permit), Health and Safety Code, rather than registration issued by the director under Subchapter C (Regulation of Manufacture, Distribution, and Dispensation of Controlled Substances, Chemical Precursors, and Chemical Laboratory Apparatus), Chapter 481 (Texas Controlled Substances Act), Health and Safety Code, that authorizes the person to manufacture, distribute, analyze, or conduct research with a controlled substance. Redesignates text of existing Subdivisions (1) and (2) as Subdivision (3);

(4) redesignates existing Subdivision (3) as Subdivision (4) and makes no further changes to this subdivision;

(5) is an applicant for or holds a license to operate as a dispensing organization issued by DPS under Chapter 487 (Texas Compassionate-Use Act), Health and Safety Code, or is an applicant for or holds a registration as a director, manager, or employee of a dispensing organization issued by DPS under that chapter;

(6) is an applicant for or holds any private security license, registration, or commission issued by DPS under Chapter 1702 (Private Security), Occupations Code;

(7) redesignates existing Subdivision (4) as Subdivision (7) and makes no further changes to this subdivision; or

(8) redesignates existing Subdivision (5) as Subdivision (8) and makes no further changes to this subdivision.

SECTION 2. Effective date: upon passage or September 1, 2017.