

By: Eltife
(Flynn)

S.B. No. 1075

A BILL TO BE ENTITLED

AN ACT

relating to criminal history record information obtained by the
consumer credit commissioner.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

(1) an applicant for or holder of a license or
registration under Chapter 180, 342, 347, 348, 351, 353, [ex] 371,
393, or 394, Finance Code;

(2) an employee of or volunteer with the Office of
Consumer Credit Commissioner;

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

(4) a contractor or subcontractor of the Office of
Consumer Credit Commissioner.

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

(1) the information is obtained from a

1 fingerprint-based search; and

2 (2) the information is released or disclosed:

3 (A) on court order;

4 (B) to the person who is the subject of the
5 criminal history record information; or

6 (C) with the consent of the person who is the
7 subject of the criminal history record information.

8 SECTION 2. Section 14.151, Finance Code, is amended to read
9 as follows:

10 Sec. 14.151. OBTAINING INFORMATION. (a) The commissioner
11 or an assistant commissioner, examiner, or other employee of the
12 office shall obtain criminal history record information maintained
13 by the Department of Public Safety, the Federal Bureau of
14 Investigation Identification Division, or another law enforcement
15 agency relating to a person described by Section 411.095(a)(1),
16 Government Code [+

17 ~~[(1) an applicant for a license issued by the~~
18 ~~commissioner, or~~

19 ~~[(2) a person licensed under the commissioner's~~
20 ~~authority].~~

21 (b) For an applicant for a license or registration, [ex]
22 license holder, or registrant that is a business entity, the
23 criminal history record information requirement of this section
24 applies to an officer, director, owner, or employee of the entity or
25 another person having a substantial relationship with the entity.

26 SECTION 3. Section 14.152, Finance Code, is amended to read
27 as follows:

1 Sec. 14.152. FINGERPRINT REQUIREMENT; PENALTY. The
2 commissioner may refuse to grant a license or registration to, or
3 may suspend or revoke the license or registration of, an applicant,
4 ~~[or]~~ license holder, or registrant described by Section
5 411.095(a)(1), Government Code, who fails to provide, on request, a
6 complete set of legible fingerprints on a fingerprint card format
7 approved by the Department of Public Safety and the Federal Bureau
8 of Investigation.

9 SECTION 4. The heading to Section 14.155, Finance Code, is
10 amended to read as follows:

11 Sec. 14.155. DISCLOSURE~~[, OFFENSE]~~.

12 SECTION 5. Section 14.155(a), Finance Code, is amended to
13 read as follows:

14 (a) The office may not release or disclose ~~[provide a person~~
15 ~~being investigated under this subchapter with a copy of the~~
16 ~~person's]~~ criminal history record information obtained from the
17 Department of Public Safety, Federal Bureau of Investigation
18 Identification Division, or other law enforcement agency, except as
19 provided by Section 411.095(b), Government Code. ~~[This subchapter~~
20 ~~does not prevent the office from:~~

21 ~~[(1) disclosing to the person being investigated a~~
22 ~~date and place of arrest or an offense or disposition contained in~~
23 ~~the criminal history record, or~~

24 ~~[(2) disclosing criminal history record information~~
25 ~~to, and discussing the information with, an authorized law~~
26 ~~enforcement agency with an interest in the person to whom the~~
27 ~~information relates.]~~

SECTION 6. Section 14.156, Finance Code, is amended to read as follows:

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

SECTION 7. Sections 14.154(b) and 14.155(b), Finance Code, are repealed.

SECTION 8. This Act takes effect September 1, 2015.