

BILL ANALYSIS

C.S.H.B. 660

By: Allen

Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, Texas Government Code § 411.122 provides authority to all licensing and regulatory agencies that are not otherwise 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. Government Code § 411.087 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 (e.g., Board of Medical Examiners - § 411.099; Board of Nurse Examiners - § 411.125), and therefore are eligible to perform FBI criminal history checks.

CSHB 660 gives specific authority to all licensing and regulatory agencies in Texas to perform both DPS and FBI (NCIC) criminal history record checks.

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

CSHB 660 amends Government Code, Section 411.122 (a), to provide that an agency listed in Subsection (d), except as provided by Subsection (c) (2), is entitled to obtain from the Department of Public Safety criminal history record information that relates to a person who requests a determination of eligibility for a license from the agency.

CSHB 660 states in Government Code, Section 411.122(c) that this section does not apply to an agency that is covered by Section 53.002, Occupations Code, to the extent provided by that section. Then in Subsection (d) CSHB 660 provides a list of which agencies are subject to this section.

CSHB 660 also repeals current language (Section 411.122(b), Government Code) that an agency is only entitled to obtain criminal history record information that relates to the conviction of the person.

EFFECTIVE DATE

September 1, 2003

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original bill by repealing Section 411.122(b), Government Code, in SECTION 2 of the substitute.