

By: Allen

H.B. No. 660

A BILL TO BE ENTITLED

AN ACT

relating to access to criminal history record information by certain licensing and regulatory agencies.

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

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

(a) 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 a person who ~~[is]~~:

(1) is an applicant for a license from the agency; ~~[or]~~  
(2) is the holder of a license from the agency; or  
(3) requests a determination of eligibility for a license from the agency.

(c) This section does not apply to an agency that is:  
(1) specifically authorized by this subchapter to obtain criminal history record information from the department; or  
(2) covered by Section 53.002, Occupations Code, to the extent provided by that section.

(d) The following state agencies are subject to this

section:

(1) Texas Appraiser Licensing and Certification Board;

(2) Texas Board of Architectural Examiners;

(3) State Board of Barber Examiners;

(4) Texas Board of Chiropractic Examiners;

(5) Texas Cosmetology Commission;

(6) State Board of Dental Examiners;

(7) Texas Board of Professional Engineers;

(8) Texas Funeral Service Commission;

(9) Texas Board of Professional Geoscientists;

(10) Texas Department of Health, except as provided by Section 411.110, and agencies attached to the department, including:

(A) Texas State Board of Examiners of Dietitians;

(B) Texas State Board of Examiners of Marriage and Family Therapists;

(C) Midwifery Board;

(D) Texas State Board of Examiners of Perfusionists;

(E) Texas State Board of Examiners of Professional Counselors;

(F) Texas State Board of Social Worker Examiners;

(G) State Board of Examiners for Speech-Language Pathology and Audiology;

(H) Advisory Board of Athletic Trainers;

(I) State Committee of Examiners in the Fitting

1 and Dispensing of Hearing Instruments;

2 (J) Texas Board of Licensure for Professional  
3 Medical Physicists; and

4 (K) Texas Board of Orthotics and Prosthetics;

5 (11) Texas Board of Professional Land Surveying;

6 (12) Texas Department of Licensing and Regulation,  
7 except as provided by Section 411.093;

8 (13) Texas Commission on Environmental Quality;

9 (14) Texas Board of Occupational Therapy Examiners;

10 (15) Texas Optometry Board;

11 (16) Texas State Board of Pharmacy;

12 (17) Texas Board of Physical Therapy Examiners;

13 (18) Texas State Board of Plumbing Examiners;

14 (19) Texas State Board of Podiatric Medical Examiners;

15 (20) Polygraph Examiners Board;

16 (21) Texas State Board of Examiners of Psychologists;

17 (22) Texas Real Estate Commission;

18 (23) Board of Tax Professional Examiners;

19 (24) Texas Department of Transportation;

20 (25) State Board of Veterinary Medical Examiners; and

21 (26) Board of Vocational Nurse Examiners.

22 SECTION 2. Section 411.122(b), Government Code, is  
23 repealed.

24 SECTION 3. This Act takes effect September 1, 2003.