

By: Flynn

H.B. No. 2586

Substitute the following for H.B. No. 2586:

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C.S.H.B. No. 2586

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to obtaining criminal history record information on an  
3 applicant for or holder of a mortgage broker or loan officer  
4 license.

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

6 SECTION 1. Section 156.206(b), Finance Code, as amended by  
7 Chapters 337, 407, and 867, Acts of the 77th Legislature, Regular  
8 Session, 2001, is reenacted and amended to read as follows:

9 (b) The commissioner shall obtain criminal history record  
10 information on an applicant that is maintained by the Department of  
11 Public Safety and shall obtain criminal history record information  
12 from [on an applicant maintained by] the Federal Bureau of  
13 Investigation on each applicant. Each applicant must submit with  
14 the application fingerprint and other information necessary to  
15 implement this section. The commissioner may submit the  
16 fingerprint and other information to the Federal Bureau of  
17 Investigation, and the Department of Public Safety is designated to  
18 be the recipient of the criminal history record information. [By  
19 rule, the finance commission may require applicants to submit  
20 information and fingerprints necessary for the commissioner to  
21 obtain criminal background information from the Federal Bureau of  
22 Investigation.] The commissioner may also obtain criminal history  
23 record information from any court or any local, state, or national  
24 governmental agency.

1 SECTION 2. Section 156.206, Finance Code, is amended by  
2 adding Subsection (d) to read as follows:

3 (d) Notwithstanding Subsection (c), criminal history record  
4 information obtained from the Federal Bureau of Investigation may  
5 be released or disclosed only to a governmental entity or as  
6 authorized by federal statute, federal rule, or federal executive  
7 order.

8 SECTION 3. Subchapter F, Chapter 411, Government Code, is  
9 amended by adding Section 411.1385 to read as follows:

10 Sec. 411.1385. ACCESS TO CRIMINAL HISTORY RECORD  
11 INFORMATION: SAVINGS AND LOAN COMMISSIONER. (a) The savings and  
12 loan commissioner is entitled to obtain from the department  
13 criminal history record information maintained by the department  
14 that relates to a person who is an applicant for or holder of a  
15 mortgage broker or loan officer license issued under Chapter 156,  
16 Finance Code.

17 (b) Criminal history record information obtained by the  
18 savings and loan commissioner under Subsection (a) may be released  
19 or disclosed only as provided by Section 156.206, Finance Code.

20 SECTION 4. This Act takes effect September 1, 2003.