

By: Averitt

S.B. No. 1667

A BILL TO BE ENTITLED

AN ACT

relating to authorization of Federal Bureau of Investigation background checks and access to criminal history record information for mortgage broker and loan officer license applicants.

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

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

(b) The commissioner shall obtain criminal history record information on an applicant that is maintained by the Department of Public Safety and shall obtain criminal history record information from [on an applicant maintained by] the Federal Bureau of Investigation on each applicant for a mortgage broker or loan officer license under this chapter. Each applicant must be fingerprinted and must submit fingerprints and other necessary information with the application. The commissioner is authorized to submit the fingerprints to the Federal Bureau of Investigation, and the Department of Public Safety is designated to be the recipient of the results of the record check [By rule, the finance commission may require applicants to submit information and fingerprints necessary for the commissioner to obtain criminal background information from the Federal Bureau of Investigation]. The commissioner may also obtain criminal history record

1 information from any court or any local, state, or national
2 governmental agency.

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

5 (d) Notwithstanding Subsection (c), criminal history record
6 information obtained from the Federal Bureau of Investigation may
7 only be disseminated to governmental entities or as authorized by
8 federal law, federal executive order, or federal rule.

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

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

17 (b) Criminal history record information obtained by the
18 savings and loan commissioner under Subsection (a) may not be
19 released or disclosed unless:

20 (1) the criminal history record information is a
21 public record at the time the savings and loan commissioner obtains
22 the information; or

23 (2) the savings and loan commissioner releases the
24 criminal history record information:

25 (A) under order from a court;

26 (B) with the consent of the person who is the
27 subject of the information;

1 (C) to an agent of the person who is the subject
2 of the information; or

3 (D) to a governmental agency.

4 (c) Notwithstanding Subsection (b), criminal history record
5 information obtained from the Federal Bureau of Investigation may
6 only be disseminated to governmental entities or as authorized by
7 federal law, federal executive order, or federal rule.

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