

By: Averitt

S.B. No. 1667

Substitute the following for S.B. No. 1667:

By: Flynn

C.S.S.B. No. 1667

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 156.206(b), 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. Each applicant must submit with the application fingerprint and other information necessary to implement this section. The commissioner may submit the fingerprint and other information to the Federal Bureau of Investigation, and the Department of Public Safety is designated to be the recipient of the criminal history record information. [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 information from any court or any local, state, or national 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.