

BILL ANALYSIS

H.B. 960
By: Anchia
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, license applications for sexually oriented businesses require a criminal background check. According to the Texas Department of Public Safety (DPS), the FBI will not grant municipalities or counties the authorization to access nationwide criminal history record information for the purpose of processing these license applications. As a result, if an applicant is convicted of a crime in another state that would prohibit the applicant from obtaining a license for operating a sexually oriented business in Texas, the municipality would not have access to that information.

H.B. 960 gives a municipality or county the right to access National Crime Information Center criminal history record information for the purposes of obtaining information regarding persons applying for a license to operate a sexually oriented business in the municipality or county.

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

H.B. 960 amends the Government Code to entitle a municipality or county that requires a sexually oriented business to obtain a license or other permit for the operation of the business to obtain from the Department of Public Safety (DPS) criminal history record information maintained by DPS that relates to a person who is an applicant for or the holder of a license or other permit from the municipality or county or to a person who requests a determination of eligibility for a license or other permit from the municipality or county.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.