

BILL ANALYSIS

H.B. 4037
By: Merritt
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the Government Code governs the release of information maintained by the Department of Public Safety concerning the licensure of individuals who are certified by DPS as certified handgun instructors. When the code was originally enacted, it was the intent of the author that contact information for instructors be readily available to the public. The code, as enacted, does not clearly reflect the author's intent.

HB 4037 requires DPS to publish a list of instructors on the DPS website on or before June 1, 2010. The list will include the instructor's name, phone number, email address, and website, unless the instructor opts out by sending a written request to DPS indicating the instructor's desire to remove some or all of the instructor's information from the published list.

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

SECTION 1. Amends Sec. 411.192 of the Government Code by amending subsection (a) to include phone number, email, and website address in the list of information DPS must disclose to a criminal justice agency. Amends Sec. 411.192 by amending subsection (d) to require DPS to make and distribute to the public at no cost lists of Instructors and to require that said lists include the Instructor's name, phone number, email, and website, and that said lists be made available on DPS's website on or before June 1, 2010. Amends Sec. 411.192 by adding subsection (e) which allows an Instructor to opt out of having the Instructor's information published on the DPS website by sending a written request to DPS indicating the Instructor's desire to remove some or all of the Instructor's information from the published list.

SECTION 2. Sets the effective date of the act as immediately upon a vote of two-thirds of all the members elected to each house, otherwise to be effective on September 1, 2009.

EFFECTIVE DATE

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