

BILL ANALYSIS

H.B. 4343
By: Smithee
Insurance
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Department of Insurance (TDI) is charged with determining a person's fitness for an insurance license and is thereby authorized to deny a license to a person who has engaged in certain criminal conduct or has been convicted of a crime directly related to the insurance business. Access to criminal history information of some applicants who have convictions is provided to TDI, but persons who have engaged in the same conduct and received deferred adjudication of sentencing may obtain nondisclosure orders after completion of the probationary period. When the nondisclosure order is issued, the person may legally indicate on the licensure application that the person has not been the subject of a criminal proceeding. This ability to deny the existence of a criminal history prevents TDI from obtaining complete information related to an applicant for a license. The Government Code authorizes a number of entities and agencies to receive criminal history information that allows the agencies and entities to obtain complete information on an applicant for the purpose of determining fitness for licensure.

H.B. 4343 adds TDI to the list of noncriminal justice agencies and entities to which a criminal justice agency is authorized to disclose criminal history record information that is the subject of an order of nondisclosure.

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. 4343 amends the Government Code to add the Texas Department of Insurance to the list of noncriminal justice agencies and entities to which a criminal justice agency is authorized to disclose criminal history record information that is the subject of an order of nondisclosure.

EFFECTIVE DATE

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