

By: Pickett

H.B. No. 114

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of the requirement that certain real estate professionals provide fingerprints to satisfy criminal history check provisions.

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

SECTION 1. Section 1101.3521, Occupations Code, is amended to read as follows:

Sec. 1101.3521. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE. (a) ~~[The commission shall require that an applicant for a license or renewal of an unexpired license submit a complete and legible set of fingerprints, on a form prescribed by the commission, to the commission or to the Department of Public Safety for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.~~

~~[(b) The commission shall refuse to issue a license to or renew the license of a person who does not comply with the requirement of Subsection (a).]~~

~~[(c)]~~ The commission shall conduct a criminal history check of each applicant for a license or renewal of a license using information:

- (1) provided by the individual under this section; and
- (2) made available to the commission by the Department of Public Safety, the Federal Bureau of Investigation, and any

1 other criminal justice agency under Chapter 411, Government Code.

2 (b) [~~(a)~~] The commission may:

3 (1) enter into an agreement with the Department of  
4 Public Safety to administer a criminal history check required under  
5 this section; and

6 (2) authorize the Department of Public Safety to  
7 collect from each applicant the costs incurred by the department in  
8 conducting the criminal history check.

9 SECTION 2. The changes in law made by this Act apply to an  
10 original or renewal license application filed with the Texas Real  
11 Estate Commission on or after the effective date of this Act. A  
12 license application filed before the effective date of this Act is  
13 governed by the law in effect when the license application was  
14 filed, and the former law is continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2009.