

By: Smithee

H.B. No. 4343

A BILL TO BE ENTITLED

1 AN ACT
2 relating to access to certain criminal history record information
3 maintained by the Department of Public Safety.

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

5 SECTION 1. Section 411.081(i), Government Code, is amended
6 to read as follows:

7 (i) A criminal justice agency may disclose criminal history
8 record information that is the subject of an order of nondisclosure
9 to the following noncriminal justice agencies or entities only:

- 10 (1) the State Board for Educator Certification;
- 11 (2) a school district, charter school, private school,
12 regional education service center, commercial transportation
13 company, or education shared service arrangement;
- 14 (3) the Texas Medical Board;
- 15 (4) the Texas School for the Blind and Visually
16 Impaired;
- 17 (5) the Board of Law Examiners;
- 18 (6) the State Bar of Texas;
- 19 (7) a district court regarding a petition for name
20 change under Subchapter B, Chapter 45, Family Code;
- 21 (8) the Texas School for the Deaf;
- 22 (9) the Department of Family and Protective Services;
- 23 (10) the Texas Youth Commission;
- 24 (11) the Department of Assistive and Rehabilitative

1 Services;

2 (12) the Department of State Health Services, a local
3 mental health service, a local mental retardation authority, or a
4 community center providing services to persons with mental illness
5 or retardation;

6 (13) the Texas Private Security Board;

7 (14) a municipal or volunteer fire department;

8 (15) the Texas Board of Nursing;

9 (16) a safe house providing shelter to children in
10 harmful situations;

11 (17) a public or nonprofit hospital or hospital
12 district;

13 (18) the Texas Juvenile Probation Commission;

14 (19) the securities commissioner, the banking
15 commissioner, the savings and mortgage lending commissioner, or the
16 credit union commissioner;

17 (20) the Texas State Board of Public Accountancy;

18 (21) the Texas Department of Licensing and Regulation;

19 (22) the Health and Human Services Commission;

20 (23) the Department of Aging and Disability Services;

21 [~~and~~]

22 (24) the Texas Education Agency; and

23 (25) the Texas Department of Insurance.

24 SECTION 2. Section 411.081(i), Government Code, as amended
25 by this Act, applies only to the disclosure of criminal history
26 record information that is the subject of an order of nondisclosure
27 issued on or after the effective date of this Act. The disclosure

1 of criminal history record information that is the subject of an
2 order of nondisclosure issued before the effective date of this Act
3 is governed by the law in effect on the date the order of
4 nondisclosure was issued, and that former law is continued in
5 effect for that purpose.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2009.