

1-1 By: Smithee (Senate Sponsor - Fraser) H.B. No. 4343  
1-2 (In the Senate - Received from the House May 8, 2009;  
1-3 May 8, 2009, read first time and referred to Committee on Business  
1-4 and Commerce; May 15, 2009, reported favorably by the following  
1-5 vote: Yeas 8, Nays 0; May 15, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to access to certain criminal history record information  
1-9 maintained by the Department of Public Safety.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 411.081(i), Government Code, is amended  
1-12 to read as follows:

1-13 (i) A criminal justice agency may disclose criminal history  
1-14 record information that is the subject of an order of nondisclosure  
1-15 to the following noncriminal justice agencies or entities only:

1-16 (1) the State Board for Educator Certification;

1-17 (2) a school district, charter school, private school,  
1-18 regional education service center, commercial transportation  
1-19 company, or education shared service arrangement;

1-20 (3) the Texas Medical Board;

1-21 (4) the Texas School for the Blind and Visually  
1-22 Impaired;

1-23 (5) the Board of Law Examiners;

1-24 (6) the State Bar of Texas;

1-25 (7) a district court regarding a petition for name  
1-26 change under Subchapter B, Chapter 45, Family Code;

1-27 (8) the Texas School for the Deaf;

1-28 (9) the Department of Family and Protective Services;

1-29 (10) the Texas Youth Commission;

1-30 (11) the Department of Assistive and Rehabilitative  
1-31 Services;

1-32 (12) the Department of State Health Services, a local  
1-33 mental health service, a local mental retardation authority, or a  
1-34 community center providing services to persons with mental illness  
1-35 or retardation;

1-36 (13) the Texas Private Security Board;

1-37 (14) a municipal or volunteer fire department;

1-38 (15) the Texas Board of Nursing;

1-39 (16) a safe house providing shelter to children in  
1-40 harmful situations;

1-41 (17) a public or nonprofit hospital or hospital  
1-42 district;

1-43 (18) the Texas Juvenile Probation Commission;

1-44 (19) the securities commissioner, the banking  
1-45 commissioner, the savings and mortgage lending commissioner, or the  
1-46 credit union commissioner;

1-47 (20) the Texas State Board of Public Accountancy;

1-48 (21) the Texas Department of Licensing and Regulation;

1-49 (22) the Health and Human Services Commission;

1-50 (23) the Department of Aging and Disability Services;

1-51 [~~and~~]

1-52 (24) the Texas Education Agency; and

1-53 (25) the Texas Department of Insurance.

1-54 SECTION 2. Section 411.081(i), Government Code, as amended  
1-55 by this Act, applies only to the disclosure of criminal history  
1-56 record information that is the subject of an order of nondisclosure  
1-57 issued on or after the effective date of this Act. The disclosure  
1-58 of criminal history record information that is the subject of an  
1-59 order of nondisclosure issued before the effective date of this Act  
1-60 is governed by the law in effect on the date the order of  
1-61 nondisclosure was issued, and that former law is continued in  
1-62 effect for that purpose.

1-63 SECTION 3. This Act takes effect immediately if it receives  
1-64 a vote of two-thirds of all the members elected to each house, as

2-1 provided by Section 39, Article III, Texas Constitution. If this  
2-2 Act does not receive the vote necessary for immediate effect, this  
2-3 Act takes effect September 1, 2009.

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