

By: Carona

S.B. No. 549

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the Department of Public Safety of the
3 State of Texas to obtain and use criminal history record
4 information for certain departmental authorizations.

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

6 SECTION 1. Subchapter F, Chapter 411, Government Code, is
7 amended by adding Section 411.0891 to read as follows:

8 Sec. 411.0891. DEPARTMENT ACCESS TO CRIMINAL HISTORY RECORD
9 INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS. (a) Subject
10 to Section 411.087, the department is authorized to obtain and use
11 criminal history record information maintained by the Federal
12 Bureau of Investigation or the department that relates to a person
13 who:

14 (1) is an applicant for or holds a registration issued
15 by the director under Subchapter C, Chapter 481, Health and Safety
16 Code, that authorizes the person to manufacture, distribute,
17 analyze, or conduct research with a controlled substance;

18 (2) is an applicant for or holds a chemical precursor
19 transfer permit issued by the director under Section 481.078,
20 Health and Safety Code;

21 (3) is an applicant for or holds a chemical laboratory
22 apparatus transfer permit issued by the director under Section
23 481.081, Health and Safety Code;

24 (4) is an applicant for certification by the

1 department as an inspection station or an inspector under
2 Subchapter G, Chapter 548, Transportation Code, holds an inspection
3 station or inspector certificate issued under that subchapter, or
4 is the owner of an inspection station operating under that chapter;
5 or

6 (5) is an applicant for approval or has been approved
7 as a program sponsor by the department under Chapter 662,
8 Transportation Code, is an applicant for certification by the
9 department as an instructor under that chapter, or holds an
10 instructor certificate issued under that chapter.

11 (b) The department may release or disclose criminal history
12 record information obtained or used by the department for a purpose
13 described by Subsection (a) to another person or agency only:

- 14 (1) in a criminal proceeding;
15 (2) in a hearing conducted by the department;
16 (3) under an order from a court; or
17 (4) with the consent of the person who is the subject
18 of the criminal history record information.

19 (c) This section may not be construed to limit the authority
20 of the department to disseminate criminal history record
21 information as provided by Section 411.083.

22 SECTION 2. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.