

1-1 By: Carona S.B. No. 549
1-2 (In the Senate - Filed January 26, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 28, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 28, 2009, sent to printer.)

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

1-8 relating to the authority of the Department of Public Safety of the
1-9 State of Texas to obtain and use criminal history record
1-10 information for certain departmental authorizations.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subchapter F, Chapter 411, Government Code, is
1-13 amended by adding Section 411.0891 to read as follows:

1-14 Sec. 411.0891. DEPARTMENT ACCESS TO CRIMINAL HISTORY RECORD
1-15 INFORMATION: CERTAIN DEPARTMENTAL AUTHORIZATIONS. (a) Subject
1-16 to Section 411.087, the department is authorized to obtain and use
1-17 criminal history record information maintained by the Federal
1-18 Bureau of Investigation or the department that relates to a person
1-19 who:

1-20 (1) is an applicant for or holds a registration issued
1-21 by the director under Subchapter C, Chapter 481, Health and Safety
1-22 Code, that authorizes the person to manufacture, distribute,
1-23 analyze, or conduct research with a controlled substance;

1-24 (2) is an applicant for or holds a chemical precursor
1-25 transfer permit issued by the director under Section 481.078,
1-26 Health and Safety Code;

1-27 (3) is an applicant for or holds a chemical laboratory
1-28 apparatus transfer permit issued by the director under Section
1-29 481.081, Health and Safety Code;

1-30 (4) is an applicant for certification by the
1-31 department as an inspection station or an inspector under
1-32 Subchapter G, Chapter 548, Transportation Code, holds an inspection
1-33 station or inspector certificate issued under that subchapter, or
1-34 is the owner of an inspection station operating under that chapter;
1-35 or

1-36 (5) is an applicant for approval or has been approved
1-37 as a program sponsor by the department under Chapter 662,
1-38 Transportation Code, is an applicant for certification by the
1-39 department as an instructor under that chapter, or holds an
1-40 instructor certificate issued under that chapter.

1-41 (b) The department may release or disclose criminal history
1-42 record information obtained or used by the department for a purpose
1-43 described by Subsection (a) to another person or agency only:

1-44 (1) in a criminal proceeding;

1-45 (2) in a hearing conducted by the department;

1-46 (3) under an order from a court; or

1-47 (4) with the consent of the person who is the subject
1-48 of the criminal history record information.

1-49 (c) This section may not be construed to limit the authority
1-50 of the department to disseminate criminal history record
1-51 information as provided by Section 411.083.

1-52 SECTION 2. This Act takes effect immediately if it receives
1-53 a vote of two-thirds of all the members elected to each house, as
1-54 provided by Section 39, Article III, Texas Constitution. If this
1-55 Act does not receive the vote necessary for immediate effect, this
1-56 Act takes effect September 1, 2009.

1-57 * * * * *