

By: Zaffirini

S.B. No. 1450

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the regulation of crafted precious metal dealers;  
3 providing a criminal penalty.

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

5 SECTION 1. Section 215.031, Local Government Code, is  
6 amended to read as follows:

7 Sec. 215.031. HAWKERS; PEDDLERS; PAWNBROKERS;  
8 CASH-FOR-GOLD ESTABLISHMENTS. The governing body of the  
9 municipality may license, tax, suppress, prevent, or otherwise  
10 regulate:

- 11 (1) hawkers;  
12 (2) peddlers; ~~and~~  
13 (3) pawnbrokers; and  
14 (4) cash-for-gold establishments.

15 SECTION 2. Subchapter B, Chapter 1956, Occupations Code, is  
16 amended by adding Section 1956.0611 to read as follows:

17 Sec. 1956.0611. CRIMINAL BACKGROUND CHECK REQUIRED. (a) A  
18 dealer shall conduct a criminal background check on an applicant  
19 for employment with the dealer.

20 (b) A dealer may not employ a person who has been convicted  
21 of a felony offense or an offense under Section 31.03, Penal Code.

22 SECTION 3. Section 1956.064(a), Occupations Code, is  
23 amended to read as follows:

24 (a) A dealer may not melt, deface, alter, or dispose of

1 crafted precious metal that is the subject of a report required by  
2 this subchapter before the 22nd [~~11th~~] day after the date the report  
3 is filed unless:

4 (1) the peace officer to whom the report is submitted,  
5 for good cause, authorizes disposition of the metal;

6 (2) the dealer obtains the name, address, and  
7 description of the buyer and retains a record of that information;  
8 or

9 (3) the dealer is a pawnbroker and the disposition is  
10 the redemption of pledged property by the pledgor.

11 SECTION 4. Section 1956.069(a), Occupations Code, is  
12 amended to read as follows:

13 (a) A dealer commits an offense if the dealer:

14 (1) violates Section 1956.0611;

15 (2) fails to make or permit inspection of a report as  
16 required by Section 1956.062 or 1956.063;

17 (3) [~~(2)~~] disposes of crafted precious metal or fails  
18 to make a record available for inspection by a peace officer as  
19 required by Section 1956.064;

20 (4) [~~(3)~~] fails to obtain or retain a statement as  
21 required by Section 1956.066;

22 (5) [~~(4)~~] fails to file a registration statement as  
23 required by Section 1956.067; or

24 (6) [~~(5)~~] purchases an object in violation of Section  
25 1956.068.

26 SECTION 5. Section 1956.064(a), Occupations Code, as  
27 amended by this Act, applies only to crafted precious metal that is

1 the subject of a report filed on or after the effective date of this  
2 Act. Crafted precious metal that is the subject of a report filed  
3 before the effective date of this Act is governed by the law in  
4 effect when the report was filed, and the former law is continued in  
5 effect for that purpose.

6 SECTION 6. This Act takes effect September 1, 2011.