

By: Martinez

H.B. No. 366

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the dissemination, retention, and use of criminal
3 history record information and fingerprints to and by state
4 agencies for employment, contracting, or licensing or other
5 purposes.

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

7 SECTION 1. The heading to Section 411.1405, Government
8 Code, is amended to read as follows:

9 Sec. 411.1405. ACCESS TO CRIMINAL HISTORY RECORD
10 INFORMATION: STATE AGENCIES [~~-, INFORMATION TECHNOLOGY EMPLOYEES~~].

11 SECTION 2. Sections 411.1405(a) and (b), Government Code,
12 are amended to read as follows:

13 (a) In this section, "state agency" [~~+~~
14 [~~(1) "Information resources" and "information~~
15 ~~resources technologies" have the meanings assigned by Section~~
16 ~~2054.003.~~

17 [~~(2) "State agency"~~] means a department, commission,
18 board, office, council, authority, or other agency in the
19 executive, legislative, or judicial branch of state government that
20 is created by the constitution or a statute of this state, including
21 a university system or institution of higher education as defined
22 by Section 61.003, Education Code.

23 (b) To the extent consistent with Subsection (e), a state
24 agency is entitled to obtain from the department the criminal

1 history record information maintained by the department that
2 relates to a person who[+]

3 [~~(1)~~] is an employee, applicant for employment,
4 contractor, subcontractor, or intern or other volunteer with the
5 state agency or with a contractor or subcontractor for the state
6 agency[+~~and~~

7 [~~(2) has access to information resources or
8 information resources technologies, other than a desktop computer
9 or telephone station assigned to that person~~].

10 SECTION 3. Subchapter F, Chapter 411, Government Code, is
11 amended by adding Section 411.0843 to read as follows:

12 Sec. 411.0843. FINGERPRINT INFORMATION SUPPLIED TO STATE
13 AGENCIES FOR LICENSING OR OTHER AUTHORIZATION PURPOSES. (a) In
14 this section:

15 (1) "State agency" means a department, commission,
16 board, office, council, authority, or other agency in the executive
17 or judicial branch of state government that is created by the
18 constitution or a statute of this state.

19 (2) "Written consent" includes consent given by an
20 electronic signature.

21 (b) Notwithstanding any other law, a state agency shall
22 retain fingerprints provided to the agency under this subchapter by
23 an applicant for a license, certification, permit, or other
24 authorization to the extent allowed under federal law.

25 (c) With the written consent of the applicant who provided
26 the fingerprints and on request, a state agency shall, to the extent
27 allowed under federal law, provide or make available the

1 applicant's fingerprints to other state agencies for use by the
2 agencies in licensing, certifying, permitting, or otherwise
3 providing authorization to the applicant.

4 (d) A state agency may use fingerprints provided or made
5 available to the agency under this section to obtain criminal
6 history record information to which the agency is entitled under
7 this subchapter.

8 (e) Notwithstanding any other law, a state agency,
9 including the department, may not charge a fee for:

10 (1) providing, using, or making available the
11 applicant's fingerprints under Subsection (c); or

12 (2) processing an inquiry from another state agency
13 for criminal history record information on the basis of
14 fingerprints provided or made available under Subsection (c).

15 SECTION 4. This Act takes effect September 1, 2013.