

BILL ANALYSIS

S.B. 1075
By: Eltife
Investments & Financial Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties observe that under current law, the Office of Consumer Credit Commissioner is authorized to obtain criminal history record information about license holders and applicants under statutes contained in the Finance Code and the Government Code. However, the parties note that the Finance Code applies this authority to any applicant for a license issued by the office or any person licensed under the office's authority but the Government Code only lists specific applicants and license holders. S.B. 1075 seeks to make these provisions consistent and addresses other issues relating to criminal history record information obtained by the consumer credit commissioner.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1075 amends the Government Code to include an applicant for or holder of a residential mortgage loan originator, credit services organization, or debtor assistance service license or registration, as applicable, among the applicants for or holders of certain licenses or registrations about whom the consumer credit commissioner is entitled to obtain criminal history record information from the Department of Public Safety (DPS). The bill entitles the consumer credit commissioner to obtain criminal history record information from DPS that relates to an employee of or volunteer with the Office of Consumer Credit Commissioner, an applicant for employment with the office, or a contractor or subcontractor of the office.

S.B. 1075 prohibits the commissioner from releasing or disclosing such criminal history record information unless the information is obtained from a fingerprint-based search and the information is released or disclosed on court order, to the person who is the subject of the information, or with the consent of the person who is the subject of the information.

S.B. 1075 amends the Finance Code to make conforming changes with respect to the access to criminal history record information relating to such applicants, licensees, and registrants by the commissioner, an assistant commissioner, examiner, or other employee of the office; the commissioner's authority to refuse to grant a license or registration to or suspend or revoke the license or registration of such an applicant, licensee, or registrant who fails to comply with applicable fingerprint requirements; the prohibited release or disclosure of criminal history record information by the office; and the recovery of costs from such an applicant, licensee, or

registrant for processing an inquiry regarding whether the person has a criminal history record. The bill repeals provisions prohibiting the disclosure of criminal history record information received by the office, except under certain conditions, and making it a Class A misdemeanor offense to release or disclose such criminal history record information except under those conditions.

S.B. 1075 repeals Sections 14.154(b) and 14.155(b), Finance Code.

EFFECTIVE DATE

September 1, 2015.