

SENATE AMENDMENTS

2nd Printing

By: Dale

H.B. No. 1779

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the Department of Public Safety to
3 obtain and use criminal history record information for the purpose
4 of performing certain departmental functions.

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

6 SECTION 1. Section 411.0891(a), Government Code, is amended
7 to read as follows:

8 (a) Subject to Section 411.087, the department is
9 authorized to obtain and use criminal history record information
10 maintained by the Federal Bureau of Investigation or the department
11 that relates to a person who:

12 (1) is an applicant for or holds a Capitol access pass
13 issued by the department under Section 411.0625;

14 (2) is an applicant for or holds a license to carry a
15 handgun issued by the department under Subchapter H or is an
16 applicant for or holds a certification as a qualified handgun
17 instructor issued by the department under that subchapter;

18 (3) [~~registration issued by the director under~~
19 ~~Subchapter C, Chapter 481, Health and Safety Code, that authorizes~~
20 ~~the person to manufacture, distribute, analyze, or conduct research~~
21 ~~with a controlled substance; (2)] is an applicant for or holds a
22 chemical precursor transfer permit issued by the director under
23 Section 481.078, Health and Safety Code;~~

24 (4) [~~(3)~~] is an applicant for or holds a chemical

1 laboratory apparatus transfer permit issued by the director under
2 Section 481.081, Health and Safety Code;

3 (5) is an applicant for or holds a license to operate
4 as a dispensing organization issued by the department under Chapter
5 487, Health and Safety Code, or is an applicant for or holds a
6 registration as a director, manager, or employee of a dispensing
7 organization issued by the department under that chapter;

8 (6) is an applicant for or holds any private security
9 license, registration, or commission issued by the department under
10 Chapter 1702, Occupations Code;

11 (7) [~~4~~] is an applicant for certification by the
12 department as an inspection station or an inspector under
13 Subchapter G, Chapter 548, Transportation Code, holds an inspection
14 station or inspector certificate issued under that subchapter, or
15 is the owner of an inspection station operating under that chapter;
16 or

17 (8) [~~5~~] is an applicant for approval or has been
18 approved as a program sponsor by the department under Chapter 662,
19 Transportation Code, is an applicant for certification by the
20 department as an instructor under that chapter, or holds an
21 instructor certificate issued under that chapter.

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, 2017.

ADOPTED

MAY 19 2017

Larry Spaw
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:

Charles Peay

1 Amend H.B. No. 1779 (senate committee printing) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Section 1702.163(g), Occupations Code, is
5 amended to read as follows:

6 (g) Chapter 53 does not apply to a determination of whether
7 an applicant is disqualified from owning or possessing a firearm as
8 provided by Subsection (b)(1) and an [An] individual's eligibility
9 under that subsection [this section] is not affected by a
10 relationship or lack of relationship between the nature of a
11 criminal charge or conviction and the regulated occupation.

12 SECTION _____. Section 1702.1685(c), Occupations Code, is
13 amended to read as follows:

14 (c) An applicant for a security officer commission must
15 demonstrate the required proficiency not earlier than the 90th day
16 [within the 90-day period] before the date the application for the
17 security officer commission is submitted [issued].

18 SECTION _____. Section 1702.301, Occupations Code, is amended
19 by amending Subsections (b), (g), and (h) and adding Subsection
20 (b-1) to read as follows:

21 (b) Except as provided by Subsection (b-1), a [A] security
22 officer commission expires on the second anniversary of the date
23 the commission is issued.

24 (b-1) A security officer commission issued to a person who
25 is not a citizen, national, or legal permanent resident of the
26 United States or a refugee or asylee lawfully admitted into the
27 United States expires on the earlier of:

28 (1) the second anniversary of the date the commission
29 is issued; or

1 (2) the expiration of the person's lawful presence in
2 the United States as determined by the appropriate United States
3 agency in compliance with federal law.

4 (g) A letter of authority[7] or a school approval [~~or school~~
5 ~~instructor approval~~] letter issued by the board[7] expires on the
6 first anniversary of the date of issuance.

7 (h) A license, registration, instructor approval letter, or
8 endorsement issued under this chapter, other than one specified in
9 this section, expires on the date specified by this chapter or by
10 board rule.

11 SECTION _____. (a) Sections 1702.163(g) and 1702.1685(c),
12 Occupations Code, as amended by this Act, apply only to an
13 application for an original or renewal security officer commission
14 that is submitted on or after the effective date of this Act. An
15 application submitted before the effective date of this Act is
16 governed by the law in effect on the date the application was
17 submitted, and the former law is continued in effect for that
18 purpose.

19 (b) Section 1702.301, Occupations Code, as amended by this
20 Act, applies only to a security officer commission or an instructor
21 approval letter issued or renewed on or after the effective date of
22 this Act. A security officer commission or an instructor approval
23 letter issued or renewed before the effective date of this Act is
24 governed by the law in effect on the date the security officer
25 commission or instructor approval letter was issued or renewed, and
26 the former law is continued in effect for that purpose.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 20, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1779 by Dale (Relating to the authority of the Department of Public Safety to obtain and use criminal history record information for the purpose of performing certain departmental functions.), **As Passed 2nd House**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Government Code to authorize the Department of Public Safety to obtain and use criminal history record information maintained by the Federal Bureau of Investigation for certain individuals in the performance of departmental functions.

The bill would also amend the Occupations Code relating to the qualifications for security officer commissions for certain persons. It is assumed that any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. Otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, ZB, FR, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 8, 2017

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1779 by Dale (Relating to the authority of the Department of Public Safety to obtain and use criminal history record information for the purpose of performing certain departmental functions.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize the Department of Public Safety to obtain and use criminal history record information maintained by the Federal Bureau of Investigation for certain individuals in the performance of departmental functions. It is assumed that any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. Otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, ZB, FR, AI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 18, 2017

TO: Honorable Phil King, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1779 by Dale (Relating to the authority of the Department of Public Safety to obtain and use criminal history record information for the purpose of performing certain departmental functions.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Government Code to authorize the Department of Public Safety to obtain and use criminal history record information maintained by the Federal Bureau of Investigation for certain individuals in the performance of departmental functions. It is assumed that any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. Otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: UP, FR, AI