

Chapter 256

S.B. No. 1075

AN ACT

relating to criminal history record information obtained by the consumer credit commissioner.

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

SECTION 1. Section 411.095, Government Code, is amended to read as follows:

Sec. 411.095. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CONSUMER CREDIT COMMISSIONER. (a) The consumer credit commissioner is entitled to obtain from the department criminal history record information that relates to a person who is:

(1) an applicant for or holder of a license or registration under Chapter 180, 342, 347, 348, 351, 353, ~~371~~, 393, or 394, Finance Code;

(2) an employee of or volunteer with the Office of Consumer Credit Commissioner;

(3) an applicant for employment with the Office of Consumer Credit Commissioner; or

(4) a contractor or subcontractor of the Office of Consumer Credit Commissioner.

(b) The consumer credit commissioner may not release or disclose criminal history record information obtained under this section unless:

(1) the information is obtained from a

1 fingerprint-based search; and

2 (2) the information is released or disclosed:

3 (A) on court order;

4 (B) to the person who is the subject of the  
5 criminal history record information; or

6 (C) with the consent of the person who is the  
7 subject of the criminal history record information.

8 SECTION 2. Section 14.151, Finance Code, is amended to read  
9 as follows:

10 Sec. 14.151. OBTAINING INFORMATION. (a) The commissioner  
11 or an assistant commissioner, examiner, or other employee of the  
12 office shall obtain criminal history record information maintained  
13 by the Department of Public Safety, the Federal Bureau of  
14 Investigation Identification Division, or another law enforcement  
15 agency relating to a person described by Section 411.095(a)(1),  
16 Government Code[+

17 ~~[(1) an applicant for a license issued by the~~  
18 ~~commissioner, or~~

19 ~~[(2) a person licensed under the commissioner's~~  
20 ~~authority].~~

21 (b) For an applicant for a license or registration, [~~or~~]  
22 license holder, or registrant that is a business entity, the  
23 criminal history record information requirement of this section  
24 applies to an officer, director, owner, or employee of the entity or  
25 another person having a substantial relationship with the entity.

26 SECTION 3. Section 14.152, Finance Code, is amended to read  
27 as follows:

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1           Sec. 14.152. FINGERPRINT REQUIREMENT; PENALTY.           The  
2 commissioner may refuse to grant a license or registration to, or  
3 may suspend or revoke the license or registration of, an applicant,  
4 [~~or~~] license holder, or registrant described by Section  
5 411.095(a)(1), Government Code, who fails to provide, on request, a  
6 complete set of legible fingerprints on a fingerprint card format  
7 approved by the Department of Public Safety and the Federal Bureau  
8 of Investigation.

9           SECTION 4. The heading to Section 14.155, Finance Code, is  
10 amended to read as follows:

11           Sec. 14.155. DISCLOSURE [~~+~~ OFFENSE].

12           SECTION 5. Section 14.155(a), Finance Code, is amended to  
13 read as follows:

14           (a) The office may not release or disclose [~~provide a person~~  
15 ~~being investigated under this subchapter with a copy of the~~  
16 ~~person's~~] criminal history record information obtained from the  
17 Department of Public Safety, Federal Bureau of Investigation  
18 Identification Division, or other law enforcement agency, except as  
19 provided by Section 411.095(b), Government Code. [~~This subchapter~~  
20 ~~does not prevent the office from:~~

21                   [~~(1) disclosing to the person being investigated a~~  
22 ~~date and place of arrest or an offense or disposition contained in~~  
23 ~~the criminal history record; or~~

24                   [~~(2) disclosing criminal history record information~~  
25 ~~to, and discussing the information with, an authorized law~~  
26 ~~enforcement agency with an interest in the person to whom the~~  
27 ~~information relates.~~]

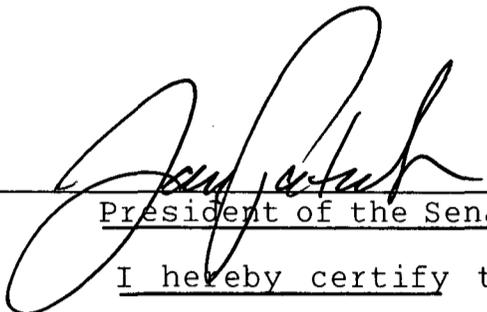
1 SECTION 6. Section 14.156, Finance Code, is amended to read  
2 as follows:

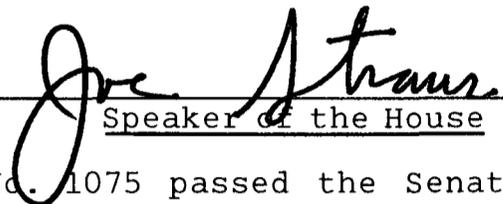
3 Sec. 14.156. RECOVERY OF COSTS. In addition to an  
4 investigation fee paid to the commissioner by an applicant for a  
5 license or registration [~~applicant~~], the commissioner is entitled  
6 to recover from an applicant, ~~[or]~~ license holder, or registrant  
7 the cost of processing an inquiry to determine whether the person  
8 has a criminal history record.

9 SECTION 7. Sections 14.154(b) and 14.155(b), Finance Code,  
10 are repealed.

11 SECTION 8. This Act takes effect September 1, 2015.

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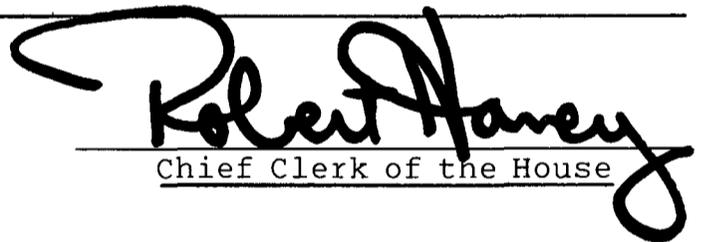
  
President of the Senate

  
Speaker of the House

I hereby certify that S.B. No. 1075 passed the Senate on April 21, 2015, by the following vote: Yeas 29, Nays 1.

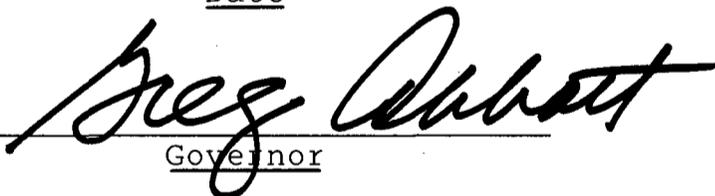
  
Secretary of the Senate

I hereby certify that S.B. No. 1075 passed the House on May 19, 2015, by the following vote: Yeas 144, Nays 2, two present, not voting.

  
Chief Clerk of the House

Approved:

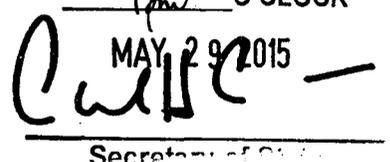
5-29-2015  
Date

  
Governor

FILED IN THE OFFICE OF THE SECRETARY OF STATE

9 O'CLOCK

MAY 29 2015

  
Secretary of State

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 8, 2015**

**TO:** Honorable Tan Parker, Chair, House Committee on Investments & Financial Services

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB1075 by Eltife (Relating to criminal history record information obtained by the consumer credit commissioner.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Government Code to entitle the Consumer Credit Commissioner to obtain criminal history record information from the Department of Public Safety for applicants or holders of licenses for residential mortgage loan originators, credit service organizations, and debtor assistance. It is assumed any costs associated with implementing the bill could be absorbed within current resources.

**Local Government Impact**

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

**Source Agencies:** 304 Comptroller of Public Accounts, 405 Department of Public Safety, 466 Office of Consumer Credit Commissioner

**LBB Staff:** UP, CL, AI, JAW, JLi

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 8, 2015**

**TO:** Honorable Kevin Eltife, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB1075 by Eltife (Relating to criminal history record information obtained by the consumer credit commissioner.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

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