

AN ACT

relating to access to criminal history record information by certain licensing and regulatory agencies.

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

SECTION 1. Section 411.122, Government Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (c)(2), an agency of this state listed in Subsection (d) or a political subdivision of this state covered by Chapter 53, Occupations Code, that licenses or regulates members of a particular trade, occupation, business, vocation, or profession is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who [~~is~~]:

- (1) is an applicant for a license from the agency; [~~or~~]
- (2) is the holder of a license from the agency; or
- (3) requests a determination of eligibility for a license from the agency.

(c) This section does not apply to an agency that is:

- (1) specifically authorized by this subchapter to obtain criminal history record information from the department; or
- (2) covered by Section 53.002, Occupations Code, to the extent provided by that section.

(d) The following state agencies are subject to this

1 section:

2 (1) Texas Appraiser Licensing and Certification

3 Board;

4 (2) Texas Board of Architectural Examiners;

5 (3) State Board of Barber Examiners;

6 (4) Texas Board of Chiropractic Examiners;

7 (5) Texas Cosmetology Commission;

8 (6) State Board of Dental Examiners;

9 (7) Texas Board of Professional Engineers;

10 (8) Texas Funeral Service Commission;

11 (9) Texas Board of Professional Geoscientists;

12 (10) Texas Department of Health, except as provided by

13 Section 411.110, and agencies attached to the department,

14 including:

15 (A) Texas State Board of Examiners of Dietitians;

16 (B) Texas State Board of Examiners of Marriage

17 and Family Therapists;

18 (C) Midwifery Board;

19 (D) Texas State Board of Examiners of

20 Perfusionists;

21 (E) Texas State Board of Examiners of

22 Professional Counselors;

23 (F) Texas State Board of Social Worker Examiners;

24 (G) State Board of Examiners for Speech-Language

25 Pathology and Audiology;

26 (H) Advisory Board of Athletic Trainers;

27 (I) State Committee of Examiners in the Fitting

1 and Dispensing of Hearing Instruments;

2 (J) Texas Board of Licensure for Professional  
3 Medical Physicists; and

4 (K) Texas Board of Orthotics and Prosthetics;

5 (11) Texas Board of Professional Land Surveying;

6 (12) Texas Department of Licensing and Regulation,  
7 except as provided by Section 411.093;

8 (13) Texas Commission on Environmental Quality;

9 (14) Texas Board of Occupational Therapy Examiners;

10 (15) Texas Optometry Board;

11 (16) Texas State Board of Pharmacy;

12 (17) Texas Board of Physical Therapy Examiners;

13 (18) Texas State Board of Plumbing Examiners;

14 (19) Texas State Board of Podiatric Medical Examiners;

15 (20) Polygraph Examiners Board;

16 (21) Texas State Board of Examiners of Psychologists;

17 (22) Texas Real Estate Commission;

18 (23) Board of Tax Professional Examiners;

19 (24) Texas Department of Transportation;

20 (25) State Board of Veterinary Medical Examiners;

21 (26) Board of Vocational Nurse Examiners;

22 (27) Texas Department of Housing and Community

23 Affairs;

24 (28) secretary of state;

25 (29) state fire marshal;

26 (30) Texas Education Agency; and

27 (31) Department of Agriculture.

1           SECTION 2. Section 411.122(b), Government Code, is  
2 repealed.

3           SECTION 3. This Act takes effect September 1, 2003.

David Newkum

President of the Senate

Tom Coffey

Speaker of the House

I certify that H.B. No. 660 was passed by the House on April 3, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 660 on May 7, 2003, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 660 was passed by the Senate, with amendments, on May 5, 2003, by a viva-voce vote.

Daisy Spaw

Secretary of the Senate

APPROVED: 20 MAY '03

Date.

RICK PERRY

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
5:10pm CLOCK

MAY 20 2003  
Ann Shea  
Secretary of State