

## CHAPTER 524

## H.B. No. 48

An Act relating to the licensing of persons to practice law in this state; providing a penalty.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subsection (d), Article 305a, Revised Statutes, is amended to read as follows:

(d) Each person intending to apply for admission to the bar of this state shall file with ~~(the secretary of)~~ the Board a Declaration of Intention to Study Law. The declaration shall be filed on a form provided by the Board. Forms provided by the Board for the filing of a Declaration of Intention to Study Law shall clearly identify those conditions of character and fitness provided in Subsection (e) of this article that may be investigated by the Board and that may result in the denial of the declarant's application to sit for the bar examination. *Not later than 270 days* ~~[Within 180 days]~~ after the date of filing of the declaration, the Board shall notify the declarant whether or not it has determined he has acceptable character and fitness; *provided, however, that first-year law students who file the declaration on or before January 1 of the year in which they begin law school shall be notified of the decision of the Board on or before August 1 of the following year.* If the Board determines he does not have acceptable character and fitness, the notice shall be accompanied by an analysis of the character investigation which specifies the results of that investigation in detail. The Board shall limit its investigation of the moral character and fitness of an applicant to those areas clearly related to the applicant's moral character and present fitness to practice law.

**SECTION 2.** Article 305c, Revised Statutes, is amended by adding Subsection (i) to read as follows:

(i) *The Supreme Court shall adopt rules that establish uniform practices and procedures for the district committees and that provide for guidance and oversight of the committees by the Board.*

**SECTION 3.** Title 14, Revised Statutes, is amended by adding Article 305b to read as follows:

**Art. 305b. ACCESS TO CRIMINAL HISTORY RECORDS.** (a) *The Board of Law Examiners is authorized to obtain criminal history record information (CHRI) relating to an applicant which is maintained by the Texas Department of Public Safety or the Federal Bureau of Investigation identification division.*

(b) *The board may obtain criminal history record information from any law enforcement agency.*

(c) *The criminal history record information received under this article is for the exclusive use of the board and is privileged and confidential. The criminal history record information may not be released or otherwise disclosed to any person or agency except on court order or consent of the applicant. Immediately following the board's decision on recommending the applicant, the board shall collect and seal all criminal history record information obtained under this article.*

(d) *Except as authorized by Subsection (c), a person commits an offense if the person intentionally or knowingly releases or discloses criminal history record information obtained under this article. An offense under this section is a Class B misdemeanor.*

**SECTION 4.** Article 310, Revised Statutes, is amended to read as follows:

**Art. 310. FEES.** (a) *The fee for any examination given by the Board shall be fixed by the Supreme Court, not to exceed \$150* ~~[\$75]~~ *for every* ~~[each]~~ *candidate, which shall be paid to the Board* ~~[clerk of said court]~~ *at the time the application for examination is made. The money thus obtained shall be used to pay all legitimate expenses in holding and administering the examinations, and as compensation to the Board, under such regulations as shall be determined by the Supreme Court. Provided that the compensation to the members of the Board, not including any reasonable and necessary expenses, shall not exceed \$20,000 per annum.* ~~[The money thus obtained shall be used to pay all legitimate expenses incurred in holding the~~

examination; and as compensation to the members of the Board, under such regulations as shall be determined by the Supreme Court. ~~Provided that the compensation, not including reasonable and necessary actual expenses paid to any member of the Board, shall not exceed Fifteen Thousand Dollars (\$15,000.00) per annum.]~~

(b) The fee for an investigation of the moral character and fitness of each candidate is set by the Supreme Court, not to exceed \$150 for every candidate [~~\$75~~]. The candidate must pay the investigation fee to the Board at the time it is requested by the Board. [~~If the fees collected from individuals for the investigation of moral character and fitness are in excess of the cost to the Board of conducting the investigation, the fees shall be proportionately decreased to insure that excessive fees are not collected by the Board.~~]

(c) Fees received by the [~~clerk or the~~] Board shall be deposited in a fund established by the Supreme Court and may be used only to administer the functions of the Supreme Court and the Board relating to the licensing of lawyers as directed by the Court *and under such regulations as shall be determined by the Supreme Court. The compensation to the members of the Board, not including reasonable and necessary actual expenses paid to any member of the Board, shall be determined by the Supreme Court. The Supreme Court by rule may allow flexibility in the use of funds between the examination function and the investigative function.*

(d) The financial transactions of the Board [~~board~~] shall be audited [~~annually~~] by the State Auditor.

(e) *The Supreme Court may set an application fee for foreign attorneys not to exceed \$700.*

(f) *The Supreme Court may set reasonable fees for additional services provided by the Board, but the fee for any single additional service may not exceed \$150.*

(g) *Any fee required by this section may be waived or lowered in the case of indigent persons under such regulations as the Board may provide.*

(h) *The fees charged and set by the Supreme Court shall be sufficient to pay all costs of the Board, including but not limited to staff salaries, compensation to members of the Board, the costs of investigation and administering the examinations, so that no state general revenue funds are necessary to operate the Board.*

**SECTION 5.** The following laws are repealed:

- (1) Article 307A, Revised Statutes;
- (2) Section 2, Chapter 158, Acts of the 55th Legislature, Regular Session, 1957 (Article 307A-1, Vernon's Texas Civil Statutes);
- (3) Section 3, Chapter 158, Acts of the 55th Legislature, Regular Session, 1957 (Article 307A-2, Vernon's Texas Civil Statutes); and
- (4) Article 307B, Revised Statutes.

**SECTION 6.** This Act takes effect September 1, 1985.

**SECTION 7.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 11, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 48 on May 25, 1985, by a non-record vote; passed by the Senate, with amendments, on May 24, 1985, by a viva-voce vote.

Approved: June 12, 1985

Effective: September 1, 1985