

CHAPTER 110

S.B. No. 303

An Act relating to the authority of the comptroller of public accounts under the Bingo Enabling Act to obtain criminal history record information from the Department of Public Safety, the Federal Bureau of Investigation identification division, or other law enforcement agency, and to the offense of unauthorized disclosure of criminal history information records; providing a penalty; adding Section 13e to the Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes).

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

SECTION 1. The Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes) is amended by adding Section 13e to read as follows:

“Section 13e. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION. (a) The comptroller of public accounts is entitled to obtain criminal history record information maintained by the Department of Public Safety, the Federal Bureau of Investigation identification division, or another law enforcement agency to investigate:

“(1) an operator or an applicant to act as an operator of bingo occasions;

“(2) a person who works at or will work at proposed bingo games and who receives or will receive consideration for his work at proposed bingo games;

“(3) an applicant for a license to act or a person who holds a license to act as a commercial lessor, manufacturer, distributor, or representative;

“(4) a spouse of or a person related in the first degree by consanguinity or affinity to:

“(A) a person who has a greater than 10 percent proprietary, equitable, or credit interest; or

“(B) a person who is an employee of or is active in a firm or corporation applying for a license to act or a person who holds a license to act as a commercial lessor, manufacturer, or distributor; or

“(5) any other person required to be named in an application for a license to act or a person who holds a license to act as a manufacturer, distributor, or representative.

“(b) The comptroller of public accounts shall establish a uniform method of obtaining criminal history record information. The uniform method must require the comptroller to submit to the Department of Public Safety or to another law enforcement agency either a complete set of fingerprints or the complete name of each person being investigated. If the comptroller submits the fingerprints of a person being investigated and relevant information is not obtained at the state or local law enforcement agency level, the comptroller should submit the fingerprints to the Federal Bureau of Investigation identification division.

“(c) A law enforcement agency may not provide to the comptroller the criminal history records of a person being investigated unless the criminal history record information relates to:

“(1) a felony;

“(2) a gambling or gambling-related offense;

“(3) criminal fraud; or

“(4) a crime of moral turpitude.

“(d) All criminal history record information received by the comptroller is privileged information and is for the exclusive use of the comptroller. The criminal history record information may not be released except on court order or with the written consent of the person being investigated. The records may not be released to any other person or agency.

“(e) A person commits an offense if the person releases or discloses any information received under this section without the authorization prescribed by Subsection (d) of this section. An offense under this subsection is a Class A misdemeanor. This subsection does not prevent the comptroller from informing an applicant that his application has been denied and the reason for the denial.

“(f) The comptroller shall adopt rules governing the custody and use of information obtained under this section.”

SECTION 2. The effective date of this Act is October 1, 1985.

SECTION 3. 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 the Senate on February 13, 1985, by a viva-voce vote; Senate concurred in House amendment on May 7, 1985, by a viva-voce vote; passed the House, with amendment, on May 2, 1985, by a non-record vote.

Approved: May 17, 1985

Effective: October 1, 1985