

CHAPTER 790

S.B. No. 510

AN ACT

relating to the continuation and operation of the Department of Public Safety, to the access that entities have to criminal history record information maintained by the department and certain other criminal justice agencies, and to the transfer of responsibility for law enforcement in the Capitol Complex from the General Services Commission to the Department of Public Safety; creating offenses; providing penalties.

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

SECTION 1. Subsection (c), Section 411.002, Government Code, is amended to read as follows:

(c) The Department of Public Safety of the State of Texas is subject to Chapter 325 (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished and Subsections (a) and (b) expire September 1, 2005 [1993].

SECTION 2. Section 411.003, Government Code, is amended by amending Subsections (b) and (d) and adding Subsection (f) to read as follows:

(b) The commission is composed of three citizens of this state appointed by the governor with the advice and consent of the senate. Members must be selected because of their peculiar qualifications for the position. *Appointments to the commission shall be made without regard to race, color, disability, sex, religion, age, or national origin.* In making an appointment the governor shall consider, among other things, the person's knowledge of laws,

experience in the enforcement of law, honesty, integrity, education, training, and executive ability.

(d) *The governor shall designate one member of the commission as chairman of the commission to serve in that capacity at the pleasure of the governor [commission annually shall elect a member to serve as chairman].* The commission shall meet at the times and places specified by commission rule or at the call of the chairman or any two members.

(f) *The commission shall develop and implement policies that provide the public with a reasonable opportunity to appear before the commission and to speak on any issue under the jurisdiction of the commission.*

SECTION 3. Section 411.004, Government Code, is amended to read as follows:

Sec. 411.004. DUTIES AND POWERS OF COMMISSION. The commission shall:

(1) formulate plans and policies for:

(A) enforcement of state criminal, traffic, and safety laws;

(B) prevention of crime;

(C) detection and apprehension of persons who violate laws; and

(D) education of citizens of this state in the promotion of public safety and the observance of law;

(2) organize the department and supervise its operation;

(3) adopt rules considered necessary for carrying out the department's work;

(4) maintain records of all proceedings and official orders; ~~and~~

(5) biennially submit a report of its work to the governor and legislature, including the commission's and director's recommendations; *and*

(6) *provide to its members, as often as necessary, information regarding their qualifications for office under this chapter and their responsibilities under applicable laws relating to standards of conduct for state officers.*

SECTION 4. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0035 to read as follows:

Sec. 411.0035. MEMBER AND GENERAL COUNSEL RESTRICTION. A person may not serve as a member of the commission or act as the general counsel to the commission if the person is required to register as a lobbyist under Chapter 305 because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

SECTION 5. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0036 to read as follows:

Sec. 411.0036. REMOVAL OF COMMISSION MEMBER. (a) It is a ground for removal from the commission if a member:

(1) *does not have at the time of appointment the qualifications required by Section 411.003;*

(2) *does not maintain during service on the commission the qualifications required by Section 411.003;*

(3) *violates a prohibition established by Section 411.0035;*

(4) *cannot discharge the member's duties for a substantial part of the term for which the member is appointed because of illness or disability; or*

(5) *is absent from more than half of the regularly scheduled commission meetings that the member is eligible to attend during a calendar year unless the absence is excused by majority vote of the commission.*

(b) *The validity of an action of the commission is not affected by the fact that it is taken when a ground for removal of a commission member exists.*

(c) *If the director has knowledge that a potential ground for removal exists, the director shall notify the chairman of the commission of the ground. The chairman shall then notify the governor that a potential ground for removal exists.*

SECTION 6. Subsection (f), Section 411.007, Government Code, is amended to read as follows:

(f) The commission shall establish grades and positions for the department. For each grade and position the commission shall designate the authority and responsibility within the limits of this chapter, set standards of qualifications, and fix prerequisites of training, education, and experience. The commission shall adopt necessary rules for the appointment, promotion, reduction, suspension, and discharge of all employees after hearing before the commission. A discharged officer or employee is entitled, on application to the commission, to a public hearing before the commission, who shall affirm or set aside the discharge. A person inducted into the service of the department is on probation for the first *one year* [six months] of service and at any time during that period may be discharged without the public hearing provided for by this subsection if the director, with the advice and consent of the commission, finds the person to be unsuitable for the work.

SECTION 7. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.0075 and 411.0076 to read as follows:

Sec. 411.0075. PERSONNEL POLICIES. (a) The director or the director's designee shall develop an intraagency career ladder program. The program shall require intraagency postings of all non-entry-level positions concurrently with any public posting.

(b) The director or the director's designee shall prepare and maintain a written policy statement to assure implementation of a program of equal employment opportunity under which all personnel transactions are made without regard to race, color, disability, sex, religion, age, or national origin. The policy statement must include:

(1) personnel policies, including policies related to recruitment, evaluation, selection, appointment, training, and promotion of personnel;

(2) a comprehensive analysis of the department work force that meets federal and state guidelines;

(3) procedures by which a determination can be made of significant underuse in the department work force of all persons for whom federal or state guidelines encourage a more equitable balance; and

(4) reasonable methods to appropriately address those areas of significant underuse.

(c) A policy statement prepared under Subsection (b) of this section must cover an annual period, be updated at least annually, and be filed with the governor's office.

(d) The governor's office shall deliver a biennial report to the legislature based on the information received under Subsection (c) of this section. The report may be made separately or as a part of other biennial reports made to the legislature.

Sec. 411.0076. MINORITY RECRUITING. (a) The department shall continue to place emphasis on minority recruiting and hiring efforts for noncommissioned positions.

(b) The department's minority recruiter and equal employment opportunity positions created for personnel and equal employment opportunity matters shall continue to pertain to both commissioned and noncommissioned employees.

(c) The department by September, 1994, shall study job requirements for all noncommissioned positions and thereafter shall limit promotion-from-within only to positions where department experience is essential for reasonable job performance.

SECTION 8. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0095 to read as follows:

Sec. 411.0095. MEMORANDUM OF UNDERSTANDING WITH CRIMINAL JUSTICE DIVISION OF THE OFFICE OF THE GOVERNOR. (a) The department and the office of the governor, criminal justice division, by rule shall adopt a joint memorandum of understanding on coordinating the drug law enforcement efforts of the department and the criminal justice division.

(b) The memorandum of understanding shall:

(1) provide that the department shall advise the criminal justice division about the statewide drug policy planning efforts of the division;

(2) provide for representation by the department on any advisory board advising the governor about drug policy;

(3) require the criminal justice division and the department to define their respective roles relating to drug task forces;

(4) require the criminal justice division and the department to jointly determine the areas of law enforcement focus for drug task force efforts; and

(5) require the criminal justice division and the department to jointly develop guidelines and procedures to govern drug task force operations that are funded by the state.

(c) The criminal justice division and the department shall update and revise the memorandum of understanding as necessary and by rule adopt all revisions to the memorandum.

(d) The criminal justice division shall prepare the initial draft of the memorandum of understanding not later than January 1, 1994. This subsection expires January 2, 1994.

SECTION 9. Section 411.013, Government Code, is amended by adding Subsection (d) to read as follows:

(d) The department shall file annually with the governor and the presiding officer of each house of the legislature a complete and detailed written report accounting for all funds received and disbursed by the commission during the preceding fiscal year. The annual report must be in the form and reported in the time provided by the General Appropriations Act.

SECTION 10. Subchapter A, Chapter 411, Government Code, is amended by adding Sections 411.0195 and 411.0196 to read as follows:

Sec. 411.0195. **PUBLIC COMPLAINTS.** (a) The department shall prepare information of public interest describing the functions of the department and the department's procedures by which complaints are filed with and resolved by the department. The department shall make the information available to the public and appropriate state agencies.

(b) The director by rule shall establish methods by which consumers and service recipients are notified of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department.

(c) The department shall keep an information file about each complaint filed with the department that the department has authority to resolve.

(d) If a written complaint is filed with the department that the department has authority to resolve, the department, at final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless the notice would jeopardize an undercover investigation.

Sec. 411.0196. **ACCESS TO PROGRAMS.** The department shall prepare and maintain a written plan that describes how a person who does not speak English or who has a physical, mental, or developmental disability can be provided reasonable access to the department's programs.

SECTION 11. Section 411.021, Government Code, is amended to read as follows:

Sec. 411.021. **COMPOSITION.** The Texas Rangers are a major division of the department consisting of [~~six captains, one headquarters sergeant, and~~] the number of rangers [~~privates~~] authorized by the legislature [~~, except that in case of an emergency the commission, with the governor's consent, may increase the force to meet extraordinary conditions~~]. The highest ranking officer of the Texas Rangers is responsible to and reports directly to the director. Officers are entitled to compensation as provided by the legislature.

SECTION 12. Subchapter B, Chapter 411, Government Code, is amended by adding Sections 411.0221, 411.0222, and 411.0223 to read as follows:

Sec. 411.0221. **QUALIFICATIONS.** (a) To be commissioned as an officer of the Texas Rangers, a person must:

(1) have at least eight years of experience as a full-time, paid peace officer, including at least four years of experience in the department; and

(2) be a commissioned member of the department.

(b) *The Texas Rangers is an equal employment opportunity employer; all personnel decisions shall be made without regard to race, color, sex, national origin, or religion.*

Sec. 411.0222. *ELIGIBILITY FOR PROMOTION. Except as provided by Section 411.0223, an officer of the Texas Rangers is eligible for promotion only if the officer has served in the next lower position for at least two years before the date of promotion.*

Sec. 411.0223. *APPOINTMENT OF HIGHEST-RANKING OFFICERS. (a) Except as provided by Subsection (c), an officer is eligible for appointment by the director to the highest rank of the Texas Rangers only if the officer has at least five years of supervisory experience as a commissioned member of the Texas Rangers.*

(b) *Except as provided by Subsection (c), an officer is eligible for appointment by the director to the second highest rank of the Texas Rangers only if the officer has at least four years of supervisory experience as a commissioned member of the Texas Rangers.*

(c) *If there are less than two qualified officers for appointment to the highest rank or the second highest rank of the Texas Rangers, the director may appoint an officer to the highest rank or the second highest rank only if the officer has at least two years of supervisory experience as a commissioned member of the Texas Rangers.*

SECTION 13. Subsections (d) and (g), Section 411.042, Government Code, are amended to read as follows:

(d) The department may charge each person and charge each entity or agency that is not primarily a criminal justice agency a fee for processing inquiries for [~~criminal history records and other~~] information that is not criminal history record information regarding a person. A person, entity, or agency that receives information must be entitled to receive the information under state or federal statutes, rules, regulations, or case law. The department may charge[:

~~(1) a fee of \$10 for each inquiry for criminal history records information on a person that is processed only on the basis of the person's name, unless the inquiry is submitted electronically or by magnetic media, in which case the fee is \$1;~~

~~(2) a fee of \$15 for each inquiry for criminal history records information on a person that is processed on the basis of a fingerprint comparison search; and~~

~~(3) actual costs for processing all [other information] inquiries under this section.~~

(g) The department may adopt reasonable rules under this section relating to:

(1) law enforcement information systems maintained by the department;

(2) the collection, maintenance, and correction of records; and

(3) reports of criminal history information submitted to the department[;

~~(4) access to criminal history information maintained by the department; and~~

~~(5) the type and format of information and the means of identification of a requesting person, entity, or agency required by the department as a condition of releasing criminal history records information].~~

SECTION 14. Chapter 411, Government Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. CAPITOL COMPLEX

Sec. 411.061. *DEFINITION. (a) In this subchapter, "Capitol Complex" means property that is:*

(1) *located in Austin, Texas, in the area bounded on the north by Martin Luther King, Jr., Boulevard, on the east by Trinity Street, on the south by 10th Street, and on the west by Lavaca Street, and including the William P. Clements State Office Building located at 300 West 15th Street. The term shall also apply to other locations under the jurisdiction of the capitol police district as may be approved by the director; and*

(2) *owned by or under the control of the state.*

(b) *The provisions of this subchapter do not apply to the property or parking facility under the management and control of the Texas Employment Commission and located within the bounds set forth in Subsection (a).*

Sec. 411.062. LAW ENFORCEMENT AND SECURITY AUTHORITY. (a) The department has primary responsibility for law enforcement and security services on the Capitol Complex.

(b) Subsection (a) does not prohibit the department from requesting or receiving assistance from another law enforcement agency.

(c) This section does not prohibit a peace officer who is not a member of the department from exercising the officer's authority on the Capitol Complex in an emergency or in a situation where the officer reasonably believes that immediate action is necessary.

(d) The department shall adopt rules relating to security of persons and access to and protection of the grounds, public buildings, and property of the state within the Capitol Complex, except that public use of the capitol, the capitol extension, the capitol grounds, and the General Land Office building shall be governed by the State Preservation Board.

(e) The department may enforce the rules of the State Preservation Board, adopted under Section 443.018.

Sec. 411.063. RULES RELATING TO PARKING AND VEHICLES. (a) The department shall adopt rules for the safe movement and the parking of vehicles in the Capitol Complex.

(b) Rules adopted under this section may:

(1) regulate the flow and direction of vehicular traffic;

(2) designate, mark, and assign areas and spaces for parking for elected state officials, chief executives and employees of state agencies located in the Capitol Complex, state-owned vehicles, business vehicles, and visitors to the Capitol Complex;

(3) establish a system of registration for vehicle identification;

(4) prohibit or restrict the use of areas and spaces for parking;

(5) establish a reasonable fee for parking in a parking space on a parking lot or in a parking garage that is located in the Capitol Complex, other than a space in the capitol driveway or capitol extension garage; and

(6) provide for the towing and storing, at the expense of the owner, of a vehicle parked in violation of a rule.

(c) Rules that govern parking in the parking spaces in the capitol driveways and the parking lots and parking garages near the capitol, to the extent that parking in such places is not regulated by the State Preservation Board, shall provide for:

(1) assigning and marking reserved parking spaces for the unrestricted use of the governor, lieutenant governor, speaker of the house of representatives, and secretary of state;

(2) when the legislature is in session, assigning and marking reserved parking spaces requested by each house of the legislature for the unrestricted use of members and administrative staff of the legislature; and

(3) when the legislature is not in session, assigning and marking parking spaces requested by each house of the legislature for the use of members and administrative staff of the legislature.

(d) The department shall remit to the comptroller for deposit to the credit of State Parking Fund No. 125 any fee collected for the parking of a vehicle in the Capitol Complex. Money in the fund may be appropriated only to the department for the operation, maintenance, and improvement of state parking facilities on the Capitol Complex.

Sec. 411.064. ASSISTANCE OF TEXAS DEPARTMENT OF TRANSPORTATION OR GENERAL SERVICES COMMISSION. (a) On request of the department, the Texas Department of Transportation and the General Services Commission shall:

(1) assist the department in the marking and designation of parking lots, parking garages, and parking spaces;

(2) maintain the painting of lines and curb markings; and

(3) furnish and erect direction and information signs.

(b) *The department may recover the cost of providing the services described in Subsection (a) from the agency or agencies for which the service was provided. To the extent that either the General Services Commission or the Texas Department of Transportation provides or assists in providing the services described in Subsection (a), that agency shall be reimbursed by the department from its funds or the funds received from another agency under this subsection.*

Sec. 411.065. **OFFENSES.** (a) *A person commits an offense if the person:*

(1) *drives or operates a motor vehicle at a speed greater than 15 miles per hour in the Capitol Complex; or*

(2) *violates a rule of the department adopted under Section 411.062 or 411.063.*

(b) *An offense under this section is a Class C misdemeanor.*

Sec. 411.066. **JURISDICTION.** *The municipal court of a municipality and the justice courts of a county in which an offense under Section 411.065 was committed have concurrent original jurisdiction over such an offense.*

Sec. 411.067. **ADMINISTRATIVE PARKING VIOLATIONS.** (a) *The department shall have authority to adopt rules for the assessment of an administrative fine of \$10 for violations of the parking rules adopted under Section 411.063. Notwithstanding the provisions of Sections 411.065 and 411.066, the department may in its discretion issue an administrative citation for a parking violation.*

(b) *Rules adopted under this section shall:*

(1) *establish a system for enforcement of administrative citations including but not limited to assessment of a late fee not to exceed \$2 and towing, impoundment, or immobilization of vehicles; and*

(2) *provide for a procedure of administrative review within the capitol police district and, on request of the person assessed an administrative fine, further judicial review by the department filing the appropriate citation or complaint in a court of competent jurisdiction, as provided in Section 411.066.*

(c) *The administrative review provided for in Subsection (b) shall not be considered a contested case under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) or Chapter 591, Acts of the 72nd Legislature, Regular Session, 1991 (Article 6252-13f, Vernon's Texas Civil Statutes).*

(d) *The department shall remit to the comptroller for deposit in the general revenue fund any administrative fine received under this section. Such revenues may be appropriated only to the department for capitol police security and parking.*

[Sections 411.068 to 411.080 reserved for expansion]

SECTION 15. Article 18.20, Code of Criminal Procedure, is amended by adding Section 18 to read as follows:

Sec. 18. *This article expires September 1, 2005.*

SECTION 16. Section 16.02, Penal Code, is amended by adding Subsection (j) to read as follows:

(j) *This section expires September 1, 2005.*

SECTION 17. The title of Chapter 16, Penal Code, is amended to read as follows:

CHAPTER 16. CRIMINAL INSTRUMENTS AND OFFENSES INVOLVING
CERTAIN COMMUNICATIONS [INTERCEPTION OF WIRE OR ORAL
COMMUNICATION]

SECTION 18. Section 1, Chapter 587, Acts of the 69th Legislature, Regular Session, 1985, is repealed.

SECTION 19. Section 481.063, Health and Safety Code, is amended by adding Subsection (i) to read as follows:

(i) *For good cause shown, the director may probate the denial of an application for registration. If a denial of an application is probated, the director may require the person*

to report regularly to the department on matters that are the basis of the probation or may limit activities of the person to those prescribed by the director, or both.

SECTION 20. Section 4.12, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

~~Sec. 4.12. OFFICE SPACE FOR DEPARTMENT OF PUBLIC SAFETY [PROTECTION OF STATE BUILDINGS AND GROUNDS; REGULATION OF PARKING]. [(a) It shall be unlawful for any person to trespass upon the grass plots or flowerbeds, or to damage or deface any of the buildings, or cut down, deface, mutilate, or otherwise injure any of the statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds or commit any other trespass upon any property of the state, real or personal, located on the grounds of the state capitol, the governor's mansion, or other property owned by the State of Texas known as the capitol complex, in the area bounded on the south by Tenth Street, on the north by Martin Luther King Boulevard, on the west by Lavaca Street, and on the east by Trinity Street in the City of Austin; or on any other state-owned property under the charge and control of the commission whether or not located in the City of Austin.~~

~~[(b) It is an offense to park a vehicle in a place other than a space marked and designated for parking by the commission or to block or impede traffic on the driveways of property owned or leased by the state in the area described in Subsection (a) of this section. The commission may regulate the flow and direction of traffic in the capitol complex and may erect the structures necessary to implement this authority.~~

~~[(c)(1) When the legislature is in session, the commission shall assign and mark, for unrestricted use by members and administrative staff of the legislature, the reserved parking spaces in the capitol complex requested by the respective houses of the legislature. A request for parking spaces reserved pursuant to this subsection shall be limited to spaces in the capitol driveways and the additional spaces in state parking lots proximately located to the capitol.~~

~~[(2) When the legislature is not in session, the commission shall, at the request of the respective legislative bodies, assign and mark the spaces requested for use by members and administrative staff of the legislature, in the areas described in Subsection (c)(1) of this section.~~

~~[(3) The commission shall assign and mark reserved parking spaces on the capitol driveways for the governor, lieutenant governor, speaker of the house, and secretary of state for their unrestricted use.~~

~~[(4) The commission may assign parking spaces to elected state officials and appointed heads of state agencies who occupy space in state buildings located within the bounds set forth in Subsection (a) of this section.~~

~~[(5) If spaces are available, the commission shall assign parking spaces to handicapped state employees. All remaining parking facilities under charge and control of the commission in the area described in Subsection (a) of this section may be made available by the commission for use by the state employees working for agencies housed within that area as pursuant to Subsection (c)(7) of this section.~~

~~[(6) The commission may designate and mark parking spaces for state-owned vehicles and visitor and business parking within the bounds set forth in Subsection (a) of this section.~~

~~[(7) The legislature may establish in the General Appropriations Act a charge for parking, or may also establish in said Act that no charge be made for parking, or both, in any part or all of a state-owned or state-leased area located within the bounds set forth in Subsection (a) of this section. In each biennium such a charge is established, the commission shall collect the charge. The legislature may also establish in said Act that parking in any part or all of such area be made available by the commission on either an open lot parking basis or an individual space assignment basis, or both. However, to the extent the legislature does not make provision in each biennium for any part or all of the area within the bounds set forth in Subsection (a) of this section either as to parking charges or the prohibition thereof, or as to the basis upon which parking facilities are to be utilized, the commission may establish and collect a reasonable monthly parking charge for parking within the bounds set forth in Subsection (a) of this section, except those parking~~

~~spaces assigned to the respective houses of the legislature on the capitol driveways, and may make available parking facilities in said area on either an open lot parking basis or an individual space assignment basis, or both.~~

~~(8) A person who parks an unauthorized vehicle in a space assigned under the provisions of this section commits an offense.~~

~~(9) The provisions of this subsection do not apply to the property or the parking facility under the management and control of the Texas Employment Commission and located within the bounds set forth in Subsection (a) of this section.~~

~~(d) The commission is hereby authorized to request the State Department of Highways and Public Transportation to assist it in the marking and designation of such parking spaces as the commission shall deem necessary and to maintain the painting of lines and curb markings and furnish such directional or informational signs as the commission shall deem necessary in the area described in Subsection (a) of this section. The Department of Public Safety shall provide advice and assistance to the commission when requested and shall at all times have at least one commissioned officer assigned to duty in the capitol area.~~

~~(e) It shall be unlawful to operate a motor vehicle upon any property owned by the State of Texas within the bounds set forth in Subsection (a) of this section at a speed in excess of 15 miles per hour. All laws regulating traffic upon highways and streets shall apply to the operation of motor vehicles within the prescribed areas, except as modified hereby.~~

~~(f) All of the general and criminal laws of the state are declared to be in full force and effect within the areas regulated by this section.~~

~~(g)(1) As of the effective date of this Act, all of the duties, functions, positions, responsibilities, inventory, property, and other items assigned to the Capitol Security Police Division of the State Purchasing and General Services Commission are transferred to the Texas Department of Public Safety.~~

~~(2) All employees of the Capitol Security Police Division of the State Purchasing and General Services Commission are eligible to apply for and may be employed by the Department of Public Safety. Such persons must meet all Texas Department of Public Safety requirements for employment appropriate to civilian and mansion security officers.~~

~~(3) All such persons employed by the Texas Department of Public Safety shall be entitled to have all service with the State Purchasing and General Services Commission recognized for purposes of establishing length of service and accrual of and entitlement to benefits. Such service with the State Purchasing and General Services Commission shall be aggregated with service as employees of the Texas Department of Public Safety. Provided, however, all such persons employed by the Texas Department of Public Safety shall be subject to a six-month probationary period, as provided in Section 411.007, Government Code.~~

~~(4) All such persons employed by the Texas Department of Public Safety shall be assigned to a rank or position consistent with their duties and responsibilities at the sole discretion of the Texas Department of Public Safety. The salary for such rank or position shall be consistent with the Texas Department of Public Safety rules and regulations and applicable state laws.~~

~~(5) The State Purchasing and General Services Commission shall provide office space [for this operational unit] to the [Texas] Department of Public Safety in the American Legion Building or other suitable facility acceptable to the [Texas] Department of Public Safety for the Capitol District.~~

~~(6) All funds appropriated to the State Purchasing and General Services Commission for purposes of operating the Capitol Security Police Division are transferred to the Texas Department of Public Safety to be used for the operation of the unit.~~

~~(i) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$200. The penalties for violation of any of the other criminal laws of the state shall be as now provided by law.~~

~~(j) In connection with traffic and parking violations only, the officers authorized to enforce the provisions of this section shall have the authority to issue and use traffic tickets and~~

~~summons of the type now used by the city of Austin and/or the Texas Highway Patrol with such changes as are necessitated thereby to be prepared and furnished by the commission. Upon the issuance of any such traffic ticket or summons the same procedures shall be followed as now prevail in connection with the use of parking and traffic violation tickets by the city of Austin and the Texas Highway Patrol. Nothing herein shall restrict the application and use of regular arrest warrants.~~

~~(k) The primary responsibility for enforcing the provisions of this section shall be with the commission, which shall have authority to promulgate rules and regulations not inconsistent with this section or other provisions of law as it may deem necessary to carry out the provisions of this section. Whenever the commission shall have promulgated such a rule or regulation and has posted signs in any of the regulated areas giving notice thereof, it shall be unlawful for any person to violate any of the provisions of such signs and shall constitute a misdemeanor punishable as provided in this section.~~

~~(l) The judge of the municipal court and/or any justice of the peace in Austin are each hereby separately vested with all jurisdiction necessary to hear, try, and determine criminal cases involving violations hereof where punishment does not exceed a fine of \$200.~~

~~(m) Nothing herein contained shall be construed to abridge the authority of the commission to grant permission to use the capitol grounds and any grounds adjacent to any state building for such use as may be provided by preexisting law.]~~

SECTION 21. Section 13.09, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 13.09. APPLICATION. The state agencies subject to this article are:

- (1) the Texas Department of Mental Health and Mental Retardation;
- (2) the Texas Department of Human Services;
- (3) the Texas Department of Criminal Justice;
- (4) the Department of Agriculture;
- (5) the Central Education Agency;
- (6) the Texas Higher Education Coordinating Board;
- (7) the *Texas Department of Transportation* [State Department of Highways and Public Transportation]; [and]
- (8) *the Department of Public Safety; and*
- (9) the commission.

SECTION 22. Sections 1A, 2, 11, and 14A, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), are amended to read as follows:

Sec. 1A. RULES. The Department may adopt rules that it determines are necessary to effectively administer this Act.

Sec. 2. DRIVERS MUST HAVE LICENSE. (a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this State unless such person has a valid driver's license issued under the provisions of this Act.

(b) A judge, at his discretion, may dismiss the charge of driving with an expired driver's license if the defendant remedies this defect within 10 working days. Additionally, the judge, at his discretion, may assess an administrative fee not to exceed \$10 when the charge of driving with an expired driver's license has been remedied.

(c) A person may not receive a driver's license until he surrenders to the Department all valid driver's licenses in his possession issued to him by this or any other state. A surrendered license issued by another state *or notification of a surrendered driver's license* shall be *forwarded* [returned] to the state accompanied by a statement that the person is licensed in this State.

(d) No person holding a driver's license duly issued under the provisions of this Act shall be required to obtain any license for the operation of a motor vehicle from any other State authority or department. [Subsection (e) of Section 4 of Article 911A and Subsection (b) of Section 4 of Article 911B, Revised Civil Statutes, is hereby repealed.]

Sec. 11. ISSUANCE OF DRIVER'S LICENSES. (a) The Department shall, upon payment of the required fee, issue to every qualifying applicant a driver's license as applied for. The license shall bear a distinguishing number assigned to the licensee by the Department, a color photograph of the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. The Department shall *indicate* ~~[print the word and number]~~ "UNDER 21" ~~on~~ ~~[across]~~ the face of each original, renewed, or duplicate license issued to a licensee younger than 21 years of age~~,]~~ or shall designate and clearly mark the license as a provisional license as provided in Section 11A of this Act.

~~[The words and numbers must be in red ink and must be at least one-fourth of an inch in height.]~~

(b) The Department may issue a temporary license without the photograph to out-of-state applicants, members in the Armed Forces, and in those situations where for any other reason the Department finds it necessary. If a temporary license is issued it shall be valid only until the applicant shall have had time to appear and have his picture taken and a license with his photograph issued.

(c) On all provisional licenses issued under Section 11A of this Act, the photograph of the licensee shall show a side profile. On all other licenses, the photograph shall show the entire face of the licensee.

Sec. 14A. PERSONAL IDENTIFICATION CARDS; FEE. (a) The Department shall issue personal identification cards, similar in form but distinguishable in color from drivers' licenses. The Department shall *indicate* ~~[print the word and number]~~ "UNDER 21" ~~on~~ ~~[across]~~ the face of each personal identification certificate issued to a person younger than 21 years of age. *Certificates issued under authority of this section shall expire on a date specified by the Department.* ~~[The words and numbers must be in red ink and must be at least one-fourth of an inch in height.]~~

(b) Original applications and applications for renewal of identification cards shall require information and be submitted on a form promulgated by the Department.

(c) The Department shall levy and collect a fee of Ten Dollars (\$10.00) for preparation and issuance of a card for a person under 65 years of age. The fee for a person 65 years of age or older is Five Dollars (\$5.00).

(d) The Department shall maintain records of card applications in the manner required by Subsection (a) of Section 21 of this Act for license applications and may destroy identification card records in the manner provided by Subsection (c) of that section for license records. The Department may cancel and require surrender of a card after determining that the holder was not entitled to its issuance or gave incorrect or incomplete information in making an application.

(e) An individual, corporation, or association may not deny a person access to goods, services, or facilities, except in regard to the operation of a motor vehicle, on the ground that the person holds a personal identification card rather than a driver's license or permit.

SECTION 23. Subsection (a), Section 4B, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The department may not assign a total of more than ~~123~~ ~~[100]~~ commissioned officers plus supervising personnel to staff driver's license facilities.

SECTION 24. Subdivision (3), Subsection (j), Section 21, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

(3) The department is not authorized to provide class-type listings from the basic drivers' license record file to any person or business *except as provided by Section 44B(d) of this Act*; ~~provided, however, such information may be made available to an official of the federal government, the state, a city, town, county, special district, or other political subdivision for official governmental purposes only.~~

SECTION 25. Section 22, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by amending Subsection (b) and adding Subsections (c) and (g) to read as follows:

(b) Except for the fifth (5th), eleventh (11th), and twelfth (12th) listed grounds in this subsection, for which the director has authority to revoke a license, the authority to suspend the license of any driver as authorized in this Section is granted the director upon determining that the person:

- (1) has operated a motor vehicle on a highway while the person's license was suspended;
- (2) has been responsible as a driver for any accident resulting in death;
- (3) is an habitual reckless or negligent driver of a motor vehicle;
- (4) is an habitual violator of the traffic law.

The term "habitual violator" as used herein, shall mean any person with four (4) or more convictions arising out of different transactions in a consecutive period of twelve (12) months, or seven (7) or more convictions arising out of different transactions within a period of twenty-four (24) months, such convictions being for moving violations of the traffic laws of *any* [this] state or its political subdivisions other than a violation of:

(A) Section 3 or 5, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Statutes);

(B) Chapter 293, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701d-12, Vernon's Texas Civil Statutes);

(C) Chapter 608, Acts of the 65th Legislature, Regular Session, 1977 (Article 6701d-12a, Vernon's Texas Civil Statutes);

(D) Chapter 73, Acts of the 54th Legislature, Regular Session, 1955 (Article 6701d-13, Vernon's Texas Civil Statutes);

(E) Chapter 212, Acts of the 56th Legislature, Regular Session, 1959 (Article 6701d-14, Vernon's Texas Civil Statutes);

(F) Chapter 8, Acts of the 62nd Legislature, Regular Session, 1971 (Article 6701d-17, Vernon's Texas Civil Statutes); or

(G) Section 107C, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes);

(5) is incapable of safely driving a motor vehicle;

(6) has permitted an unlawful or fraudulent use of such license;

(7) has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;

(8) has violated a restriction imposed on the use of the license;

(9) has been responsible as a driver for any accident resulting in serious personal injury or serious property damage;

(10) is the holder of a provisional license under Section 11A of this Act and has been convicted of two (2) or more moving violations committed within a period of twelve (12) months;

(11) has not complied with the terms of a citation issued by a jurisdiction that is a member of the Nonresident Violator Compact of 1977 for a violation to which the compact applies;

(12) has a warrant of arrest outstanding, for failure to appear or pay a fine on a complaint, that is issued by a political subdivision that has contracted with the Department under Article 6687c, Revised Statutes;

(13) has committed an offense under Section 186, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes);

(14) has failed to provide medical records or has failed to undergo medical or other examinations as required by a panel of the Medical Advisory Board;

(15) has failed to take, or failed to pass, any examination required by the director under this Act; or

(16) has been reported by a court under Section 1c or 2(a), Chapter 302, Acts of the 55th Legislature, Regular Session, 1957 (Article 6701L-4, Vernon's Texas Civil Statutes), for failure to appear or default in payment of a fine unless the court has filed an additional report on final disposition of the case.

(c) The Department is authorized to seek the suspension of the license of any driver who has been convicted of a violation of the provisions of the Driver's License Compact of 1993, Article 6701d-27, Revised Statutes. For the purposes of this Act, a conviction shall be defined in the same manner as in the Driver's License Compact of 1993.

(g)(1) The Director is authorized, pursuant to the procedures in Subsection (a) of this section, to suspend the driver's license of a person who is younger than 21 years of age, is arrested or taken into custody for an offense under Article 6701L-1, Revised Statutes, and its subsequent amendments, or Section 19.05(a)(2), Penal Code, and its subsequent amendments, and submits to the taking of a specimen of breath or blood, if an analysis of the specimen shows the person had an alcohol concentration of 0.07 or more, but less than 0.10.

(2) The period of suspension under this subsection may not exceed one (1) year.

(3) A peace officer who arrests or takes into custody a person who is younger than twenty-one (21) years of age for an offense specified in Subdivision (1) of this subsection shall as soon as practicable send the Department a sworn report of information relevant to the arrest or taking into custody if analysis of the specimen showed an alcohol concentration of a level specified in that subdivision. The report shall identify the person who was arrested or taken into custody, state the officer's grounds for believing the person committed the offense, and give the analysis of the specimen. The report shall be made on a form approved by the Department and in the manner specified by the Department.

(4) A suspension under this subsection is a civil matter, is independent of and is not an estoppel as to any matter at issue in an adjudication of a criminal charge or a proceeding under Chapter 51, Family Code, arising from the occurrence that is the basis for the suspension, and does not preclude litigation of the same or similar facts in a criminal prosecution or in a proceeding under Chapter 51, Family Code. The disposition of a criminal charge or a proceeding under Chapter 51, Family Code, does not affect a suspension under this subsection and is not an estoppel as to any matter at issue in a suspension proceeding under this subsection.

(5) In this subsection "alcohol concentration" has the meaning assigned by Subsection (a), Article 6701L-1, Revised Statutes, and its subsequent amendments.

SECTION 26. Section 23, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The Department may not reinstate a license suspended under Section 22(b)(16) of this Act until:

[4] the court that filed the report for which the license was suspended files an additional report on final disposition of the case; ~~and~~

~~[2] the person whose license has been suspended pays to the Department a fee of \$25 in addition to any other fees required by law].~~

(d) The Department may not reinstate a license suspended or revoked under Section 22 of this Act unless the person whose license was suspended or revoked makes application to the Department for reinstatement of the person's license and pays to the Department a reinstatement fee of \$50. The Department shall remit all fees collected under this subsection to the comptroller for deposit in the general revenue fund.

SECTION 27. Section 26, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 26. SURRENDER AND RETURN OF LICENSE. ~~The [(a) Except as limited by Subsection (b) of this section, the]~~ Department, upon suspending or revoking a license, shall require that such license shall be surrendered to and be retained by the Department except that at the end of the period of suspension of such license, the license so surrendered shall be returned to the licensee.

~~[(b) The Department may not return a license or reinstate a privilege to operate a motor vehicle suspended under Section 24(a-1) of this Act, unless the person whose license or privilege was suspended makes application to the Department for reinstatement of the person's license or privilege and, in addition to any other fee required by law, pays to the Department a reinstatement fee of Five Dollars (\$5.00).~~

~~[(e) Fees paid under this section shall be deposited in the state treasury to the credit of the Operator's and Chauffeur's License Fund and shall be appropriated only to the Department to administer the provisions of this Act.]~~

SECTION 28. Article VI, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes), is amended by adding Section 44B to read as follows:

Sec. 44B. *RELEASE OF ADDRESS INFORMATION PROHIBITED.* (a) *Except as provided by Section 21(j) of this Act and by Subsections (d) and (e) of this section, the department may not release information from its driver's license record files that relates to the address of an individual if:*

(1) the department's driver's license files contain an executed statement of that individual that restricts public access to that information; and

(2) the individual has, in writing:

(A) provided the department with a valid, existing, and accurate mailing address, other than a post office box number, in the city, if any, and the county in this state in which the individual resides and to which public access is not to be restricted;

(B) consented to receive service of process under the laws of this state at that alternate address; and

(C) paid to the department a fee of \$5 for establishing or changing an alternate address at any time other than when the individual renews the individual's driver's license or personal identification card.

(b) The department shall provide written notice to each applicant for an original or renewal of a driver's license, a personal identification card, or a duplicate or corrected driver's license or identification card that the applicant is entitled to execute a statement that restricts public access to information relating to the address of the applicant.

(c)(1) An individual who has submitted an executed statement under this section shall notify the department of any change in the individual's alternate address.

(2) Notification under this subsection must be made in writing before the 10th day after the date on which the alternate address is changed.

(d) The department may make information from driver's license record files, including class-type listings, available to an official of the federal government, the state, a municipality, a county, a special district, or another political subdivision for official government purposes only.

(e) The department is not prohibited under this section from releasing information relating to the address of an individual who:

(1) gives the department an invalid, nonexistent, or inaccurate alternate mailing address; or

(2) fails to provide the department with the notification required by Subsection (c) of this section.

(f) An individual may at any time revoke the individual's executed statement under Subsection (a) of this section. Revocation of an executed statement must be made in writing in the manner prescribed by the department.

(g) The department or an officer or employee of the department is not liable to a person damaged or injured by release of information to which public access is restricted under this section.

SECTION 29. Section 2, Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (Article 6701-5, Vernon's Texas Civil Statutes), is amended by amending Subsections (b) and (f) and adding Subsection (j) to read as follows:

(b) Before requesting a person to give a specimen, the officer shall inform the person orally and in writing that if the person refuses to give the specimen, that refusal may be admissible in a subsequent prosecution, and that the person's license, permit, or privilege to operate a motor vehicle will be automatically suspended for 90 days after the date of adjournment of the hearing provided for in Subsection (f) of this section *if the person is 21 years of age or older, or one year if the person is younger than 21 years of age*, whether or not the person is subsequently prosecuted as a result of the arrest. If the officer determines that the person is a resident without a license or permit to operate a motor vehicle in this state, the officer shall inform the person that the Texas Department of Public Safety shall deny to the person the issuance of a license or permit for a period of 90 days after the date of adjournment of the hearing provided for in Subsection (f) of this section *if the person is 21 years of age or older, or one year if the person is younger than 21 years of age*, whether or not the person is subsequently prosecuted as a result of the arrest. The officer shall inform the person that the person has a right to a hearing on suspension or denial if, not later than the 20th day after the date on which the notice of suspension or denial is received, the department receives a written demand that the hearing be held.

(f) When the director receives the report, the director shall suspend the person's license, permit, or nonresident operating privilege, or shall issue an order prohibiting the person from obtaining a license or permit, for 90 days *if the person is 21 years of age or older, or one year if the person is younger than 21 years of age*, effective 28 days after the date the person receives notice by certified mail or 31 days after the date the director sends notice by certified mail, if the person has not accepted delivery of the notice. If, not later than the 20th day after the date on which the person receives notice by certified mail or the 23rd day after the date the director sent notice by certified mail, if the person has not accepted delivery of the notice, the department receives a written demand that a hearing be held, the department shall, not later than the 10th day after the day of receipt of the demand, request a court to set the hearing for the earliest possible date. The hearing shall be set in the same manner as a hearing under Section 22(a), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes). If, upon such hearing the court finds (1) that probable cause existed that such person was driving or in actual physical control of a motor vehicle on the highway or upon a public beach while intoxicated, (2) that the person was placed under arrest by the officer and was offered an opportunity to give a specimen under the provisions of this Act, and (3) that such person refused to give a specimen upon request of the officer, then the Director of the Texas Department of Public Safety shall suspend the person's license or permit to drive, or any nonresident operating privilege for a period of 90 days *if the person is 21 years of age or older, or for a period of not more than one year if the person is younger than 21 years of age*, as ordered by the court. If the person is a resident without a license or permit to operate a motor vehicle in this State, the Texas Department of Public Safety shall deny to the person the issuance of a license or permit for 90 days *if the person is 21 years of age or older, or for a period of not more than one year if the person is younger than 21 years of age*.

(j) *The Texas Department of Public Safety may not reinstate a license suspended under this section unless the person whose license was suspended makes application to the Texas Department of Public Safety for reinstatement of the person's license and pays to the Texas Department of Public Safety a reinstatement fee of \$50. The Texas Department of Public Safety shall remit all fees collected under this subsection to the comptroller for deposit in the general revenue fund.*

SECTION 30. Subsection (h), Section 13, Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(h) If a person convicted of an offense under Article 6701-1, Revised Statutes, is punished under Subsection (c) of that article and is placed on probation, the court shall require, as a condition of the probation, that the defendant attend and successfully complete before the 181st day after the day probation is granted an educational program jointly approved by the Texas Commission on Alcohol and Drug Abuse, the Department of Public Safety, the Traffic Safety Section of the Texas [State] Department of [Highways and Public] Transportation, and the *community justice assistance division of the Texas Department of Criminal Justice* [~~Texas Adult Probation Commission~~] designed to rehabilitate persons who have driven while intoxicated. The Texas Commission on Alcohol and Drug Abuse shall publish the jointly

approved rules and shall monitor, coordinate, and provide training to persons providing the educational programs. The Texas Commission on Alcohol and Drug Abuse is responsible for the administration of the certification of approved educational programs and may charge a nonrefundable application fee for the initial certification of approval and for renewal of a certificate. The judge may waive the educational program requirement, however, if the defendant by a motion in writing shows good cause. In determining good cause, the judge may consider but is not limited to: the offender's school and work schedule, the offender's health, the distance that the offender must travel to attend an educational program, and the fact that the offender resides out of state, has no valid driver's license, or does not have access to transportation. The judge shall set out the finding of good cause in the judgment. If a person is required, as a condition of probation, to attend an educational program, the court clerk shall immediately report that fact to the Department of Public Safety, on a form prescribed by the department, for inclusion in the person's driving record. The report must include the beginning date of the person's probation. Upon the successful completion of the educational program, the person shall give notice to the probation department. The probation department shall then forward the notice to the court clerk. The court clerk shall then report the date of successful completion of the educational program to the Department of Public Safety for inclusion in the person's driving record. If the department does not receive notice that a person required to complete an educational program has successfully completed the program within the period required by this section, as shown on department records, the department shall suspend the person's driver's license, permit, or privilege or prohibit the person from obtaining a license or permit, as provided by Section 24(g)(2), Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes). *The department may not reinstate a license suspended under this subsection unless the person whose license was suspended makes application to the department for reinstatement of the person's license and pays to the department a reinstatement fee of \$50. The department shall remit all fees collected under this subsection to the comptroller for deposit in the general revenue fund.* This subsection does not apply to a defendant if a jury recommends probation for the defendant and also recommends that the defendant's driver's license not be suspended.

SECTION 31. Subsection (f), Section 139, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) Any peace officer of any city having a population of 300,000 or more, certified for this purpose by the Director, may detain any motor vehicle on any street or highway within such city subject to this section or to any regulation adopted in accordance with this section. Such certification procedures including the proper training of said officers shall be determined by the Department. *The Department by rule shall establish reasonable fees sufficient to recover from a city the costs of training and certifying peace officers of the city under this section.*

SECTION 32. Subsection (f), Section 141, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended to read as follows:

(f) The Director may deny an application for a license, [ø] revoke or suspend an outstanding certificate of any inspection station or the certificate of any person to inspect vehicles, *place on probation the holder of the certificate that has been suspended, or reprimand the holder of a certificate,* in addition to action taken under Subsection (g) of this section, for any of the following reasons:

- (1) issuing a certificate without required adjustments, corrections, or repairs having been made when an inspection disclosed the necessity for those adjustments, corrections, or repairs;
- (2) refusing to allow the owner of the vehicle to have required corrections or adjustments made by any qualified person he may choose;
- (3) issuing an inspection certificate without having made an inspection of the vehicle;
- (4) knowingly or willfully issuing an inspection certificate for a vehicle without the required items of inspection or with items which were not at the time of issuance in good condition and in conformity with the laws of this state or in compliance with rules of the Commission;
- (5) charging more than the required inspection fee;

(6) issuing an inspection certificate without being certified to do so by the Department;
 (7) proof of unfitness of applicant or licensee under standards set out in this Act or in Commission rules;

(8) material misrepresentation in any application or any other information filed under this Act or Commission rules;

(9) wilful failure to comply with this Act or any rule promulgated by the Commission under the provisions of this Act;

(10) failure to maintain the qualifications for a license; or

(11) any act or omission by the licensee, his agent, servant, employee, or person acting in a representative capacity for the licensee which act or omission would be cause to deny, revoke, or suspend a license to an individual licensee.

If the holder of a suspended certificate is placed on probation, the Director may require the holder of the certificate to report regularly to the Department on matters that are the basis of the probation.

When there is cause to deny an application for a certificate of any inspection station or the certificate of any person to inspect vehicles or revoke or suspend the outstanding certificate, the Director shall, in less than thirty (30) days before refusal, suspension, or revocation action is taken, notify the person, in writing, in person, or by certified mail at the last address supplied to the Department by the person, of the impending refusal, suspension, or revocation, the reasons for taking that action, and of his right to an administrative hearing for the purpose of determining whether or not the evidence is sufficient to warrant the refusal, suspension, or revocation action proposed to be taken by the Director. If, within twenty (20) days after the personal notice of the notice is sent or notice has been deposited in the United States mail, the person has not made a written request to the Director for this administrative hearing, the Director, without a hearing, may suspend or revoke or refuse to issue any certificate. On receipt by the Director of a written request of the person within the twenty-day (20-day) period, an opportunity for an administrative hearing shall be afforded as early as is practicable. In no case shall the hearing be held less than ten (10) days after written notification, including a copy of the charges, is given the person by personal service or by certified mail sent to the last address supplied to the Department by the applicant or certificate holder. The administrative hearing in these cases shall be before the Director or his designee. The Director or his designee shall conduct the administrative hearing and may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books, papers, or documents. On the basis of the evidence submitted at the hearing, the Director acting for himself or upon the recommendation of his designee may refuse the application or suspend or revoke the certificate.

Any person dissatisfied with the action of the Director, without filing a motion for rehearing, may appeal the action of the Director by filing a petition within thirty (30) days after the action is taken in a district court in the county where the person resides or in a district court of Travis County, and the court is vested with jurisdiction, and it shall be the duty of the court to set the matter for hearing upon ten (10) days written notice to the Director and the attorney representing the Director. The court in which the petition of appeal is filed shall determine whether any action of the Director shall be suspended pending hearing and enter its order accordingly, which shall be operative when served upon the Director, and the Director shall provide the attorney representing the Director with a copy of the petition and order. The Director shall be represented in these appeals by the district or county attorney of the county, or the attorney general, or any of their assistants.

SECTION 33. Subdivisions (2) and (3), Subsection (c), Section 142, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), are amended to read as follows:

(2) The director shall discontinue the use of *supervisory* commissioned peace officers to administer the motor vehicle inspection and maintenance program established by this article not later than September 1, 1995.

(3) ~~The [By September 1, 1992, the]~~ Department shall reduce by September 1 of each year the number of *commissioned peace officers* assigned to administer the motor vehicle inspection and maintenance program ~~[by no less than 25 percent below the number~~

~~assigned to that duty on the effective date of this subdivision and shall reduce the number by similar or greater percentages by September 1 of each succeeding year] so that by September 1, 1995, no more than 25 commissioned officers will be assigned to the program.~~

SECTION 34. Title 116, Revised Statutes, is amended by adding Article 6701d-27 to read as follows:

Art. 6701d-27. DRIVER'S LICENSE COMPACT OF 1993

Sec. 1. COMPACT. The Driver's License Compact of 1993 is hereby enacted into law and entered into with all other jurisdictions legally joining therein.

Sec. 2. FINDINGS AND DECLARATION OF POLICY. (a) The states find that:

(1) the safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles;

(2) violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property; and

(3) the continuance in force of a license to drive is predicated on compliance with laws and ordinances relating to the operation of motor vehicles in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the states to:

(1) promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where the operators drive motor vehicles; and

(2) make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the states.

Sec. 3. DEFINITIONS. In this compact:

(1) "Commercial driver's license" means a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 C.F.R. Part 383, to an individual which authorizes the individual to operate a class of commercial motor vehicle.

(2) "Conviction" has the same meaning as provided in Subdivision (9), Section 3, Texas Commercial Driver's License Act (Article 6687b-2, Revised Statutes).

(3) "Executive director" means the director of the Department of Public Safety or the equivalent officer of another state.

(4) "Hazardous materials" has the meaning assigned by the Hazardous Materials Transportation Act (49 U.S.C. Section 1801 et seq.).

(5) "Hazardous waste" means any material that is subject to the Hazardous Waste Manifest Requirement of the U.S. Environmental Protection Agency specified in 40 C.F.R. Part 262.

(6) "Home state" means the state which has issued a license or permit and has the power to suspend or revoke use of the license or permit to operate a motor vehicle.

(7) "License" means a license or permit to operate a motor vehicle issued by a state.

(8) "Licensing authority" means the Department of Public Safety or the equivalent agency of another state.

(9) "Notification" means that a document has been sent from one jurisdiction to another notifying anyone receiving the information of withdrawal of the driving privilege or the restoration of the privilege.

(10) "State" means a state, territory, or possession of the United States, the District of Columbia, or the commonwealth of Puerto Rico.

(11) "Violation" means the commission of an offense related to the use or operation of a motor vehicle, even if there has been no conviction. A suspension by reason of a violation

includes a suspension for failure to appear in court or comply with a court order or suspension for violating an implied consent law.

Sec. 4. REPORTS OF CONVICTIONS. *The licensing authority of a state shall report each conviction of a person from another state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered or the conviction was a result of the forfeiture of bail, bond, or other security; and include any special findings made in connection with the conviction.*

Sec. 5. EFFECT OF CONVICTION. (a) *The licensing authority in the home state, for the purpose of suspension, revocation, cancellation, denial, disqualification, or limitation of the privilege to operate a motor vehicle, shall give the same effect to the conduct reported pursuant to Section 4 of this Act as it would if such conduct had occurred in the home state in the case of conviction for:*

- (1) *manslaughter or negligent homicide resulting from the operation of a motor vehicle;*
- (2) *driving a motor vehicle while under the influence of alcoholic beverages or a narcotic to a degree which renders the driver incapable of safely driving a motor vehicle;*
- (3) *any felony in the commission of which a motor vehicle is used; or*
- (4) *failure to stop and render aid or information in the event of a motor vehicle accident resulting in the death or personal injury of another.*

(b) *As to other convictions reported pursuant to this compact, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.*

(c) *If the laws of a state do not provide for offenses or violations denominated or described in precisely the words employed in Subsection (a) of this section, those offenses or violations of a substantially similar nature and the laws of that state shall be understood to contain such provisions as may be necessary to ensure that full force and effect is given to this compact.*

Sec. 6. APPLICATIONS FOR NEW LICENSES. *On receiving an application for a license to drive, the licensing authority in a state shall ascertain whether the applicant has ever held or is the holder of a license to drive issued by any other state. The licensing authority in the state where application is made shall not issue a license to the applicant if the applicant:*

- (1) *has held a license but the license has been suspended by reason, in whole or in part, of a violation and the suspension period has not terminated;*
- (2) *has held a license but the license has been revoked by reason, in whole or in part, of a violation and the revocation has not terminated, except that after the expiration of one year from the date the license was revoked the person may apply for a new license if permitted by law; the licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant the person the privilege of driving a motor vehicle on the public highways; or*
- (3) *is the holder of a license issued by another state currently in force unless the applicant surrenders such license or provides an affidavit prescribed by the licensing authority that such license is no longer in the person's possession.*

Sec. 7. APPLICABILITY OF OTHER LAWS. *Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any state to apply any of its other laws relating to licenses to drive to any person or circumstance nor to invalidate or prevent any driver's license agreement or other cooperative arrangement between a member state and a nonmember state.*

Sec. 8. COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION AND COMPENSATION OF EXPENSES. (a) *The compact administrator shall be appointed by the executive director of the licensing authority. A compact administrator may provide for the discharge of his duties and the performance of his position by an alternate. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.*

(b) *The administrator of each state shall furnish to the administrator of each other state any information or documents reasonably necessary to facilitate the administration of this compact.*

(c) *The compact administrator provided for in this compact shall not be entitled to any additional compensation on account of his service as such administrator but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment.*

Sec. 9. EFFECTIVE DATE; WITHDRAWAL FROM COMPACT. (a) *This compact shall enter into force and become effective as to any state when it has enacted the compact into law.*

(b) *Any member state may withdraw from this compact by enacting a statute repealing the compact, but no such withdrawal shall take effect until six months after the executive director of the withdrawing state has given notice of the withdrawal to the executive directors of all other member states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.*

Sec. 10. RULEMAKING AUTHORITY. *The licensing authority may adopt any rules and regulations deemed necessary by the executive director to administer and enforce the provisions of this compact.*

Sec. 11. CONSTRUCTION AND SEVERABILITY. *This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable; if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact is held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect in the remaining states and in full force and effect in the state affected with regard to all severable matters.*

SECTION 35. Chapter 411, Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. CRIMINAL HISTORY RECORD INFORMATION

Sec. 411.081. APPLICATION OF SUBCHAPTER. (a) *This subchapter does not apply to criminal history record information that is contained in:*

- (1) *posters, announcements, or lists for identifying or apprehending fugitives or wanted persons;*
- (2) *original records of entry, including police blotters maintained by a criminal justice agency that are compiled chronologically and required by law or long-standing practice to be available to the public;*
- (3) *public judicial, administrative, or legislative proceedings;*
- (4) *court records of public judicial proceedings;*
- (5) *published judicial or administrative opinions; or*
- (6) *announcements of executive clemency.*

(b) *This subchapter does not prohibit a criminal justice agency from disclosing to the public criminal history record information that is related to the offense for which a person is involved in the criminal justice system.*

(c) *This subchapter does not prohibit a criminal justice agency from confirming previous criminal history record information to any person on specific inquiry about whether a named person was arrested, detained, indicted, or formally charged on a specified date, if the information disclosed is based on data excluded by Subsection (b).*

Sec. 411.082. DEFINITIONS. *In this subchapter:*

(1) "Administration of criminal justice" has the meaning assigned by Article 60.01, Code of Criminal Procedure.

(2) "Criminal history record information" means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, informations, and other formal criminal charges and their dispositions. The term does not include:

(A) identification information, including fingerprint records, to the extent that the identification information does not indicate involvement of the person in the criminal justice system; or

(B) driving record information maintained by the department under Section 21, Chapter 173, Acts of the 47th Legislature, Regular Session, 1941 (Article 6687b, Vernon's Texas Civil Statutes).

(3) "Criminal justice agency" means:

(A) a federal or state agency that is engaged in the administration of criminal justice under a statute or executive order and that allocates a substantial portion of its annual budget to the administration of criminal justice; or

(B) a nongovernmental railroad or campus police department that has obtained an originating agency identifier from the Federal Bureau of Investigation.

(4) "Criminal justice purpose" means:

(A) an activity that is included in the administration of criminal justice; or

(B) screening of applicants for employment with a criminal justice agency.

Sec. 411.083. DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION. (a) Criminal history record information maintained by the department is confidential information for the use of the department and, except as provided by this subchapter, may not be disseminated by the department.

(b) The department shall grant access to criminal history record information to:

(1) criminal justice agencies;

(2) noncriminal justice agencies authorized by federal statute or executive order or by state statute to receive criminal history record information;

(3) the person who is the subject of the criminal history record information;

(4) a person working on a research or statistical project that:

(A) is funded in whole or in part by state funds; or

(B) meets the requirements of Part 22, Title 28, Code of Federal Regulations, and is approved by the department; and

(5) an individual or an agency that has a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice under that agreement, if the agreement:

(A) specifically authorizes access to information;

(B) limits the use of information to the purposes for which it is given;

(C) ensures the security and confidentiality of the information; and

(D) provides for sanctions if a requirement imposed under Paragraph (A), (B), or (C) is violated.

(c) The department may disseminate criminal history record information under Subsection (b)(1) only for a criminal justice purpose. The department may disseminate criminal history record information under Subsection (b)(2) only for a purpose specified in the statute or order. The department may disseminate criminal history record information under Subsection (b)(4) or (b)(5) only for a purpose approved by the department and only under rules adopted by the department.

(d) The department is not required to release or disclose criminal history record information to any person that is not in compliance with rules adopted by the department under this subchapter or rules adopted by the Federal Bureau of Investigation that relate to the dissemination or use of criminal history record information.

Sec. 411.084. USE OF CRIMINAL HISTORY RECORD INFORMATION. Criminal history record information obtained from the department under this subchapter:

- (1) is for the exclusive use of the authorized recipient of the information; and*
- (2) may be disclosed or used by the recipient only if, and only to the extent that, disclosure or use is authorized or directed by:*
 - (A) this subchapter;*
 - (B) another statute;*
 - (C) a rule adopted under a statute; or*
 - (D) an order of a court of competent jurisdiction.*

Sec. 411.085. UNAUTHORIZED OBTAINING, USE, OR DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION; PENALTY. (a) A person commits an offense if the person knowingly or intentionally:

(1) obtains criminal history record information in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information;

(2) provides a person with a copy of the person's criminal history record information obtained from the department; or

(3) violates a rule of the department adopted under this subchapter.

(b) An offense under Subsection (a) is a Class B misdemeanor, except as provided by Subsection (c).

(c) An offense under Subsection (a) is a felony of the second degree if the person:

(1) obtains, uses, or discloses criminal history record information for remuneration or for the promise of remuneration; or

(2) employs another person to obtain, use, or disclose criminal history record information for remuneration or for the promise of remuneration.

(d) The department shall provide each person who applies for access to criminal history record information maintained by the department with a copy of this section.

Sec. 411.086. RULES. (a) The department shall adopt rules to administer this subchapter.

(b) Rules adopted by the department:

(1) shall provide for a uniform method of requesting criminal history record information from the department;

(2) may require a person requesting criminal history record information about an individual to submit to the department one or more of the following:

(A) the complete name, race, and sex of the individual;

(B) any known alias name of the individual;

(C) a complete set of the individual's fingerprints;

(D) a recent photograph of the individual;

(E) any known identifying number of the individual, including social security number, FBI number, driver's license number, or state identification number;

(F) the individual's date of birth;

(G) any known alias dates of birth of the individual; or

(H) any other information the department determines is necessary to identify the individual or the record;

(3) shall provide for the methods and formats for dissemination of criminal history record information; and

(4) shall provide security measures and policies that are designed to guard against unauthorized release or dissemination of criminal history record information that is maintained or disseminated by the department.

Sec. 411.087. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION MAINTAINED BY FEDERAL BUREAU OF INVESTIGATION OR LOCAL CRIMINAL JUSTICE AGENCY. (a) A person, agency, department, political subdivision, or other entity that is authorized by this subchapter to obtain from the department criminal history record information maintained by the department that relates to another person is authorized to:

- (1) obtain through the Federal Bureau of Investigation criminal history record information maintained or indexed by that bureau that pertains to that person; or
 - (2) obtain from any other criminal justice agency in this state criminal history record information maintained by that criminal justice agency that relates to that person.
- (b) Any restriction or limitation in this subchapter on criminal history record information that a person, agency, department, political subdivision, or other entity is entitled to obtain from the department applies equally to the criminal history record information that the person, agency, department, political subdivision, or other entity is entitled to obtain from the identification division of the Federal Bureau of Investigation or other criminal justice agency.

(c) Subsection (a) does not authorize a person, agency, department, political subdivision, or other entity to obtain criminal history record information from the identification division of the Federal Bureau of Investigation if dissemination of criminal history record information by the division is prohibited by federal law, executive order, or rule.

(d) A person, agency, department, political subdivision, or other entity that is not a criminal justice agency is entitled to obtain criminal history record information from the Federal Bureau of Investigation only if:

- (1) the requestor submits a complete set of the individual's fingerprints and other identifying information and pays any fee required or approved by the bureau;
- (2) no disqualifying record or information from a state or local criminal justice agency is known to the requestor; and
- (3) the request is not for the purpose of discriminating against a person because of the person's race, sex, age, disability, religion, color, or national origin.

(e) Subsection (a)(1) does not apply to a volunteer center under Section 411.126.

Sec. 411.088. FEES. (a) The department may charge a person that is not primarily a criminal justice agency a fee for processing inquiries for criminal history record information. The department may charge:

- (1) a fee of \$10 for each inquiry for criminal history record information on a person that is processed only on the basis of the person's name, unless the inquiry is submitted electronically or by magnetic media, in which event the fee is \$1;
- (2) a fee of \$15 for each inquiry for criminal history record information on a person that is processed on the basis of a fingerprint comparison search; and
- (3) actual costs for processing all other information inquiries.

(b) The department shall deposit all fees collected under this section in the Operator's and Chauffeur's License Fund.

Sec. 411.089. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CRIMINAL JUSTICE AGENCY. (a) A criminal justice agency is entitled to obtain from the department any criminal history record information maintained by the department about a person.

(b) Criminal history record information obtained under Subsection (a) may be released by the criminal justice agency:

- (1) to any other criminal justice agency, if such release is for a criminal justice purpose; and
- (2) through audio response terminals and radio devices, whether digital or voice, if such dissemination is in accordance with rules promulgated by the department.

Sec. 411.090. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CENTRAL EDUCATION AGENCY. (a) The Central Education Agency is entitled to obtain

from the department any criminal history record information maintained by the department about a person who has applied to the agency for a teaching certificate.

(b) Criminal history record information obtained by the agency under Subsection (a):

(1) may be used for any purpose related to the issuance, denial, suspension, or cancellation of a teaching certificate issued by the agency;

(2) may not be released to any person except on court order or with the consent of the applicant for a teaching certificate; and

(3) shall be destroyed by the agency after the information is used for the authorized purposes.

Sec. 411.091. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS ALCOHOLIC BEVERAGE COMMISSION. (a) The Texas Alcoholic Beverage Commission is entitled to obtain from the department criminal history record information maintained by the department that:

(1) the commission believes is necessary for the enforcement or administration of the Alcoholic Beverage Code; or

(2) pertains to a person who, under the Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes), is:

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

(B) an officer of an organization that applies for or holds a license to conduct bingo;

(C) a person who works at or will work at proposed bingo games;

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

(E) a spouse of or a person related in the first degree by consanguinity or affinity, as determined under Article 5996h, Revised Statutes, to:

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

(ii) 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

(F) a person required to be named in an application for a license to act or a person who holds a license to act as a commercial lessor, manufacturer, or distributor.

(b) Criminal history record information obtained by the commission under Subsection (a)(1) may be used only for the enforcement and administration of the Alcoholic Beverage Code.

(c) Criminal history record information obtained by the commission under Subsection (a)(2):

(1) may be used only for the enforcement and administration of the Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes); and

(2) may not be released to any person or agency except on court order or with the written consent of the person being investigated, unless the information is entered into evidence by the commission at an administrative hearing under that Act.

Sec. 411.0915. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION OF POLITICAL SUBDIVISIONS: TEXAS ALCOHOLIC BEVERAGE COMMISSION. The commission is entitled to receive criminal history record information, without charge, from any political subdivision of this state. Information obtained may only be used by the commission for the enforcement of the Alcoholic Beverage Code.

Sec. 411.092. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: BANKING COMMISSIONER. (a) The banking commissioner is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a license under Article 350, Revised Statutes; or

(2) a principal of an applicant for a license under that article.

(b) *Criminal history record information obtained by the commissioner under Subsection (a), except on court order or as provided by Subsection (c), may not be released or disclosed to any person.*

(c) *The commissioner is not prohibited from disclosing to the individual who is the subject of the information the dates and places of arrests, the offenses, and the dispositions in the criminal history record information.*

Sec. 411.093. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF LICENSING AND REGULATION. (a) *The Texas Department of Licensing and Regulation is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:*

(1) *an applicant for a license under the Texas Boxing and Wrestling Act (Article 8501-1, Vernon's Texas Civil Statutes); or*

(2) *the holder of a license under that Act.*

(b) *The Texas Department of Licensing and Regulation is entitled only to criminal history record information that relates to the arrest or conviction of the person.*

Sec. 411.094. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: INSTITUTION OF HIGHER EDUCATION. (a) *In this section:*

(1) *"Institution of higher education":*

(A) *has the meaning assigned by Section 61.003, Education Code; or*

(B) *means a private institution of higher education that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.*

(2) *"Security-sensitive position" means employment in an institution of higher education held by an employee who:*

(A) *handles currency;*

(B) *has access to a computer terminal;*

(C) *has access to a master key; or*

(D) *works in a location designated as a security-sensitive area.*

(b) *An institution of higher education is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for a security-sensitive position.*

(c) *Criminal history record information obtained by an institution of higher education under Subsection (b) may be used only for the purpose of evaluating applicants for employment in security-sensitive positions.*

(d) *Conviction information received by an institution of higher education under Subsection (b) may not be released or disclosed to any person except on court order.*

(e) *After the expiration of the probationary term of the individual's employment, all criminal history record information obtained about an individual under Subsection (b) shall be destroyed by the chief of police of the institution of higher education.*

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 a license under the Texas Pawnshop Act (Article 5069-51.01 et seq., Vernon's Texas Civil Statutes); or*

(2) *the holder of a license under that Act.*

(b) *The commissioner is entitled only to criminal history record information that relates to the arrest or conviction of the person.*

Sec. 411.096. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS RACING COMMISSION. (a) *The Texas Racing Commission is entitled to obtain from the department criminal history record information maintained by the department that pertains to a person who is:*

(1) *appointed to the commission;*

(2) an applicant for employment by the commission; or

(3) an applicant for a license under the Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes).

(b) Criminal history record information obtained by the commission under Subsection (a) may not be released or disclosed to any person except in a criminal proceeding, in a hearing conducted by the commission, on court order, or with the consent of the applicant.

Sec. 411.097. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: SCHOOL DISTRICT. (a) In this section, "school district" means any public school district in this state.

(b)(1) A school district is entitled to obtain from the department criminal history record information maintained by the department that the district is required or authorized to obtain under Section 21.917, Education Code, that relates to a person who is:

(A) an applicant for employment by the district; or

(B) an employee of or an applicant for employment with a public or commercial transportation company that contracts with the district to provide transportation services if the employee drives or the applicant will drive a bus in which students of the district are transported.

(2) A school district is entitled to obtain from the department, no more than twice each year, criminal history record information maintained by the department that the district is required or authorized to obtain under Section 21.917, Education Code, that relates to a person who is a current employee of the school district.

(c) Criminal history record information obtained by a school district under Subsection (b) may not be released or disclosed to any person, other than the individual who is the subject of the information, the Central Education Agency, or a person specified in Section 21.917(h), Education Code.

Sec. 411.0975. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: PRIVATE SCHOOLS. (a) In this section, "private school" means a school that:

(1) offers a course of instruction for students in one or more grades from prekindergarten through grade 12; and

(2) is not operated by a government entity.

(b) A private school is entitled to obtain from the department criminal history record information maintained by the department that a school district is required to authorize to obtain under Section 21.917, Education Code, that relates to a person who is:

(1) an employee of the private school;

(2) an applicant for employment by the private school; or

(3) an employee of or an applicant for employment with a public or commercial transportation company that contracts with the private school to provide transportation services if the employee drives or the applicant will drive a bus in which students of the private school are transported.

(c) Criminal history record information obtained by a private school under Subsection (b) may not be released or disclosed to any person, other than the individual who is the subject of the information, the Central Education Agency, or a person specified in Section 21.917(h), Education Code.

Sec. 411.098. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED. (a) The Texas School for the Blind and Visually Impaired 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 which relates to school employees, professional consultants, applicants for permanent, temporary, or consultative employment and volunteer positions whose employment or potential employment or volunteer positions with the school involves direct interactions with or the opportunity to interact and associate with the children or youth attending the school.

(b) Criminal history record information obtained by the school under Subsection (a) may not be released or disclosed to any person except on court order, with the consent of the

person who is the subject of the criminal history record information, or as provided by Subsection (d).

(c) The school shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

(d) The school may provide the applicant, employee, professional consultant, or volunteer with a copy of their respective criminal history record information obtained from the Department of Public Safety, Federal Bureau of Investigation identification division, or another law enforcement agency.

(e) The failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for dismissal or refusal to hire, as applicable, with regard to school employees, professional consultants, and applicants for permanent, temporary, or consultative employment or volunteer positions whose employment or potential employment or volunteer position with the school involves direct interactions with or the opportunity to interact and associate with the children or youth attending the school.

Sec. 411.099. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF MEDICAL EXAMINERS. The Texas State Board of Medical Examiners is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a license under the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes); or

(2) the holder of a license under that Act.

Sec. 411.100. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: BOARD OF LAW EXAMINERS. (a) The Board of Law Examiners is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant to take a bar examination.

(b) Criminal history record information obtained by the board under Subsection (a) may not be released or disclosed to any person, except on court order or with consent of the applicant.

(c) Immediately following the board's decision on recommending an applicant, the board shall collect and seal all criminal history record information obtained by the board that relates to that applicant.

Sec. 411.101. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STRUCTURAL PEST CONTROL BOARD. The Texas Structural Pest Control Board is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an applicant for a structural pest control business license under the Texas Structural Pest Control Act (Article 135b-6, Vernon's Texas Civil Statutes);

(2) an applicant for a certified applicator's license under that Act; or

(3) a holder of a structural pest control business license or a certified applicator's license under that Act.

Sec. 411.102. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: MCGRUFF HOUSE PROGRAM. (a) In this section:

(1) "McGruff House" means a house that has been designated as a temporary haven for school-age children by a McGruff House program.

(2) "McGruff House program" means a program organized by local law enforcement agencies and civic organizations to provide a temporary haven and sense of security to school-age children in emergency or threatening situations.

(b) A local law enforcement agency involved in establishing a McGruff House program is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an adult residing in a McGruff House.

Sec. 411.103. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: CHILD WATCH PROGRAM. (a) In this section, "child watch program" means a program organized by a local civic organization with the cooperation of a school district to protect

schoolchildren by having parents or volunteers patrol their residential neighborhoods and schools to watch for suspicious activity, dangers, and threats to children.

(b) A local law enforcement agency that participates in a child watch program is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

- (1) is a participant in the program; and
- (2) gives written consent to the disclosure of the information.

(c) Criminal history record information obtained by a law enforcement agency under Subsection (b) may not be released or disclosed except on court order or with the consent of the person who is the subject of the criminal history record information.

Sec. 411.104. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS EMPLOYMENT COMMISSION. (a) In this section, "security sensitive position" has the meaning assigned by Section 11-E(a), Texas Unemployment Compensation Act (Article 5221b-9e, Vernon's Texas Civil Statutes).

(b) The Texas Employment Commission is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is an applicant for a security sensitive position.

(c) Criminal history record information obtained by the commission under Subsection (b) may not be released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

(d) After the commission hires an applicant for a security sensitive position, the commission shall seal the criminal history record information that relates to the applicant and deliver the information to the agency administrator or the administrator's designee, who shall destroy the information.

(e) The commission shall destroy the criminal history record information of an applicant who is not hired.

Sec. 411.105. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS STATE BOARD OF PUBLIC ACCOUNTANCY. The Texas State Board of Public Accountancy is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

- (1) an applicant for certification as a certified public accountant under the Public Accountancy Act of 1991 (Article 41a-1, Vernon's Texas Civil Statutes);
- (2) an applicant to take the uniform CPA examination under that Act; or
- (3) an applicant to register under Section 14 of that Act.

Sec. 411.106. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF INSURANCE. (a) The Texas Department of Insurance for good cause shown is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

- (1) an applicant for a license, permit, certificate of authority, certificate of registration, or other authorization issued by the State Board of Insurance to engage in an activity regulated under the Insurance Code; or
- (2) a corporate officer of an insurance company regulated by the Texas Department of Insurance.

(b) Criminal history record information obtained by the Texas Department of Insurance under Subsection (a) may not be disclosed or released to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(c) After the Texas Department of Insurance makes a determination as to the issuance of a license or certificate of authority to an applicant, the Texas Department of Insurance shall seal the criminal history record information regarding the applicant and shall deliver the information to the commissioner of insurance or the commissioner's designee, who shall maintain the information as provided by State Board of Insurance rule.

Sec. 411.107. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: RECEIVER. (a) In this section, "receiver" has the meaning assigned by Article 21.28, Insurance Code.

(b) A receiver is entitled to obtain from the department criminal history record information maintained by the department that the receiver believes is necessary for the investigation of any matter relating to a receivership estate.

(c) Criminal history record information obtained by a receiver under Subsection (b) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(d) A receiver may destroy criminal history record information obtained under Subsection (b) after the purpose for which the information was obtained is accomplished.

Sec. 411.108. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COMPTROLLER OF PUBLIC ACCOUNTS. (a) The comptroller is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who, under the State Lottery Act (Article 179g, Vernon's Texas Civil Statutes), is:

- (1) a sales agent or an applicant for a sales agent license;
- (2) a person required to be named in a license application;
- (3) a lottery operator or prospective lottery operator;
- (4) an employee of a lottery operator or prospective lottery operator, if the employee is or will be directly involved in lottery operations;
- (5) a person who manufactures or distributes lottery equipment or supplies or a representative of a person who manufactures or distributes lottery equipment or supplies offered to the lottery;
- (6) a person who has submitted a written bid or proposal to the division in connection with the procurement of goods or services by the division, if the amount of the bid or proposal exceeds \$500;
- (7) an employee or other person who works for or will work for a sales agent or an applicant for a sales agent license;
- (8) a person who proposes to enter into or who has a contract with the division to supply goods or services to the division;
- (9) if a person described in Subdivisions (1) through (8) of this section is not an individual, an individual who:
 - (A) is an officer or director of the person;
 - (B) holds more than 10 percent of the stock in the person;
 - (C) holds an equitable interest greater than 10 percent in the person;
 - (D) is a creditor of the person who holds more than 10 percent of the person's outstanding debt;
 - (E) is the owner or lessee of a business that the person conducts or through which the person will conduct lottery-related activities;
 - (F) shares or will share in the profits, other than stock dividends, of the person;
 - (G) participates in managing the affairs of the person; or
 - (H) is an employee of the person who is or will be involved in:
 - (i) selling tickets; or
 - (ii) handling money from the sale of tickets;
- (10) the director or a prospective director of the lottery division;
- (11) an employee or prospective employee of the lottery division; or
- (12) a sales agent whose license is renewed under Section 3.01(h) of that Act.

(b) Criminal history record information obtained by the comptroller under Subsection (a) may not be released or disclosed to any person except on court order or as provided by Subsection (c).

(c) *The comptroller is not prohibited from disclosing to the person who is the subject of the criminal history record information the dates and places of arrests, offenses, and dispositions contained in the criminal history record information.*

Sec. 411.109. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: STATE TREASURER. (a) *The treasurer is entitled to obtain from the department criminal history record information maintained by the department that the treasurer believes is necessary for the enforcement or administration of Chapter 154 or Chapter 155, Tax Code, including criminal history record information that relates to a person who is:*

(1) *an applicant for a permit under Chapter 154 or Chapter 155, Tax Code;*

(2) *a permit holder under either of those chapters;*

(3) *an officer, director, stockholder owning 10 percent or more of the outstanding stock, partner, owner, or managing employee of an applicant or permit holder under either of those chapters that is a corporation, association, joint venture, syndicate, partnership, or proprietorship;*

(4) *believed to have violated Chapter 154 or Chapter 155, Tax Code; or*

(5) *being considered by the treasurer for employment as a peace officer.*

(b) *Criminal history record information obtained by the treasurer under Subsection (a) may not be released or disclosed to any person except on court order or as provided by Subsection (c).*

(c) *The treasurer is not prohibited from disclosing to a person who is the subject of criminal history record information the dates and places of arrests, the offenses, and the dispositions in the criminal history record information.*

Sec. 411.110. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF HEALTH. (a) *The Texas Department of Health is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:*

(1) *an applicant for a license or certificate under the Emergency Medical Services Act (Chapter 773, Health and Safety Code);*

(2) *an owner or manager of an applicant for an emergency medical services provider license under that Act; or*

(3) *the holder of a license or certificate under that Act.*

(b) *Criminal history record information obtained by the Texas Department of Health under Subsection (a) may not be released or disclosed to any person except on court order, with the written consent of the person or entity that is the subject of the criminal history record information, or as provided by Subsection (e).*

(c) *After an entity is licensed or certified, the Texas Department of Health shall destroy the criminal history record information that relates to that entity.*

(d) *The Texas Board of Health shall destroy criminal history record information that relates to an applicant that is not certified.*

(e) *The Texas Board of Health is not prohibited from disclosing criminal history record information obtained under Subsection (a) in a criminal proceeding or in a hearing conducted by the Texas Department of Health.*

Sec. 411.111. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DISTRICT COURT; NAME CHANGES. *A district court is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:*

(1) *an adult; and*

(2) *has petitioned the court to order a change of name for the person.*

Sec. 411.112. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COMMISSION ON LAW ENFORCEMENT OFFICER STANDARDS AND EDUCATION. *The Commission on Law Enforcement Officer Standards and Education is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:*

- (1) an applicant for a license under Chapter 415; or
- (2) the holder of a license under that chapter.

Sec. 411.113. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS SCHOOL FOR THE DEAF. (a) The Texas School for the Deaf 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 which relates to school employees, professional consultants, applicants for permanent, temporary, or consultative employment and volunteer positions whose employment or potential employment or volunteer positions with the school involves direct interactions with or the opportunity to interact and associate with the children or youth attending the school.

(b) Criminal history record information obtained by the school under Subsection (a) may not be released or disclosed to any person except on court order, with the consent of the person who is the subject of the criminal history record information, or as provided by Subsection (d).

(c) The school shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

(d) The school may provide the applicant, employee, professional consultant, or volunteer with a copy of his or her respective criminal history record information obtained from the Department of Public Safety, Federal Bureau of Investigation identification division, or another law enforcement agency.

(e) The failure or refusal to provide a complete set of fingerprints or a complete name on request constitutes good cause for dismissal or refusal to hire, as applicable, with regard to school employees, professional consultants, and applicants for permanent, temporary, or consultative employment or volunteer positions whose employment or potential employment or volunteer position with the school involves direct interactions with or the opportunity to interact and associate with the children or youth attending the school.

Sec. 411.114. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES. (a)(1) In this subsection the terms "child," "child-care facility," and "family home" have the meanings assigned by Section 42.002, Human Resources Code.

(2) The Department of Protective and Regulatory Services is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(A) an applicant for a license, registration, or certification under Chapter 42, Human Resources Code;

(B) an owner or employee of or an applicant for employment by a child-care facility licensed, registered, or certified under that chapter;

(C) a resident of a registered family home, but not a child in the home's care or a parent of the child;

(D) an applicant for a position with the Department of Protective and Regulatory Services, the duties of which include direct delivery of protective services to children, elderly persons, or persons with a disability;

(E) a volunteer or applicant volunteer with a local affiliate in this state of Big Brothers/Big Sisters of America;

(F) a volunteer or applicant volunteer with the "I Have a Dream/Houston" program;

(G) an employee of a business entity that provides in-home respite care of children with temporary illnesses;

(H) an employee of a home health agency;

(I) a volunteer or applicant volunteer with an organization that provides court-appointed special advocates for abused or neglected children;

(J) a person providing or applying to provide adoptive or foster care for children in the care of the Department of Protective and Regulatory Services and other adults living with that person in the residence in which the child will reside;

(K) a Department of Protective and Regulatory Services employee who is engaged in the direct delivery of protective services to children, elderly persons, or persons with a disability on the date the department implements this section;

(L) a person who is the subject of a report the department receives alleging that the person has abused or neglected a child, an elderly person, or a person with a disability, provided that report has proven to have merit after investigation; or

(M) a relative providing or applying to provide in-home care for a child in the care of the Department of Protective and Regulatory Services and other adults living with that relative in the residence in which the child will reside.

(3) The Department of Protective and Regulatory Services is entitled, under this subsection, only to criminal history record information that relates to:

(A) an offense classified as an offense against the person or the family;

(B) an offense classified as public indecency; or

(C) a felony violation of a statute intended to control the possession or distribution of a substance included in Chapter 481, Health and Safety Code.

(4) Criminal history record information obtained by the Department of Protective and Regulatory Services under this subsection may not be released to any person except on court order, with the consent of the person who is the subject of the criminal history record information, or as provided by Subdivision (5).

(5) The Department of Protective and Regulatory Services is not prohibited from releasing criminal history record information obtained under this subsection to the person who is the subject of the criminal history record information or to a child-care facility that employs or is considering employing the person who is the subject of the criminal history record information.

(b)(1) In this subsection, "facility" has the meaning assigned by Section 106.001, Human Resources Code.

(2) The Department of Protective and Regulatory Services, on behalf of the Texas Department of Health, is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(A) an applicant for employment at a facility; or

(B) an employee of a facility.

(3) The Department of Protective and Regulatory Services is entitled to obtain, under this subsection, only criminal history record information that relates to:

(A) an offense classified as an offense against the person or the family;

(B) an offense classified as public indecency;

(C) a felony violation of a statute intended to control the possession or distribution of a substance included in Chapter 481, Health and Safety Code, or Section 485.033, Health and Safety Code;

(D) a felony offense under Section 31.03, Penal Code; or

(E) an offense under Section 29.02, 29.03, or 30.02, Penal Code.

(4) Criminal history record information obtained by the Department of Protective and Regulatory Services under this subsection may not be released to any person except on court order, with the written consent of the person who is the subject of the criminal history record information, or as provided by Subdivision (5).

(5) The Department of Protective and Regulatory Services is not prohibited from disclosing criminal history record information obtained under this subsection to the Texas Department of Health or to the facility for which the Department of Protective and Regulatory Services requested the information.

Sec. 411.115. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION; COMMUNITY CENTERS. (a) In this section, "community center" has the meaning assigned by Section 531.002, Health and Safety Code.

(b) *The Texas Department of Mental Health and Mental Retardation or a community center is entitled to obtain from the department criminal history record information maintained by the department that relates to a person:*

(1) *who is:*

(A) *an applicant for employment with the Texas Department of Mental Health and Mental Retardation;*

(B) *an employee of the Texas Department of Mental Health and Mental Retardation;*

(C) *an applicant for employment with a community center;*

(D) *an employee of a community center;*

(E) *an applicant for employment with or an employee of a business or person that contracts with the Texas Department of Mental Health and Mental Retardation or a community center to provide residential services to patients with mental illness or clients with mental retardation who were furloughed or discharged from a Texas Department of Mental Health and Mental Retardation facility or community center;*

(F) *a volunteer with the Texas Department of Mental Health and Mental Retardation;*

(G) *a volunteer with a community center; or*

(H) *a volunteer applicant; and*

(2) *who would be placed in direct contact with patients with mental illness or clients with mental retardation.*

(c) *The Texas Department of Mental Health and Mental Retardation or a community center is entitled to obtain only criminal history record information that relates to:*

(1) *a sexual offense;*

(2) *a drug-related offense;*

(3) *a theft offense;*

(4) *criminal homicide;*

(5) *assault or battery; or*

(6) *an offense involving personal injury or threat.*

(d) *Criminal history record information obtained by the mental health department or a community center under Subsection (b) may not be released or disclosed to a person, other than the contractor that employs the person who is the subject of the criminal history record information, except on court order or with the consent of the person who is the subject of the criminal history record information.*

(e) *The Texas Department of Mental Health and Mental Retardation shall collect and destroy conviction information that relates to a person immediately after the department or a contractor makes an employment decision or takes any personnel action relating to the person who is the subject of the criminal history record information.*

Sec. 411.116. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: ORGANIZATION PROVIDING CERTAIN NURSE AIDES. (a) *In this section:*

(1) *"Facility" has the meaning assigned by Section 106.001, Human Resources Code.*

(2) *"Nurse aide" has the meaning assigned by Chapter 106, Human Resources Code.*

(3) *"Organization that provides temporary nurse aides" includes a temporary employment service, nursing pool, private duty nurse service, or sitter service.*

(b) *An organization that provides temporary nurse aides to a facility is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:*

(1) *a nurse aide; and*

(2) *a candidate for referral by the organization to a facility.*

Sec. 411.117. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS REHABILITATION COMMISSION. *The Texas Rehabilitation Commission is entitled to*

obtain from the department criminal history record information maintained by the department that relates to a person who is:

- (1) an applicant for rehabilitation services of the Texas Rehabilitation Commission; or
- (2) a client of the Texas Rehabilitation Commission.

Sec. 411.118. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: EMPLOYER AT SUBSIDIZED HOUSING RESIDENCE. (a) In this section, "employer," "employee," "occupant," and "subsidized housing residence" have the meanings assigned by Section 135.001, Human Resources Code.

(b) An employer is entitled to obtain from the department criminal history record information maintained by the department that pertains to a person who:

- (1) is an applicant for a position of employment in a subsidized housing residence to whom an offer of employment is made; and
- (2) may be reasonably required to have access to the residence of an occupant who is elderly or disabled.

(c) An employer is entitled to obtain only criminal history record information that relates to:

- (1) an offense classified as:
 - (A) an offense against the person or the family;
 - (B) an offense against property; or
 - (C) public indecency; or

(2) a felony violation of a statute intended to control the possession or distribution of a substance regulated under Chapter 481, Health and Safety Code, or Section 485.033, Health and Safety Code.

(d) Criminal history record information obtained under Subsection (b) may not be released or disclosed to any person except on court order or with the written consent of the person who is the subject of the criminal history record information.

Sec. 411.119. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS BOARD OF PRIVATE INVESTIGATORS AND PRIVATE SECURITY AGENCIES. The Texas Board of Private Investigators and Private Security Agencies is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

- (1) an applicant for a license, registration, or security officer commission under the Private Investigators and Private Security Agencies Act (Article 4413(29bb), Vernon's Texas Civil Statutes); or
- (2) an applicant for a position regulated under that Act.

Sec. 411.120. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: COUNTY JUDGE; CERTAIN APPLICANTS. (a) The county judge of a county is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

- (1) an applicant for a wine and beer retailer's permit under Chapter 25, Alcoholic Beverage Code; or
- (2) an applicant for a retail dealer's on-premise license under Chapter 69 of that code.

(b) Criminal history record information obtained by a county judge under Subsection (a) may not be released or disclosed to any person except in a hearing held under Chapter 25 or 69, Alcoholic Beverage Code.

Sec. 411.121. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: ADJUTANT GENERAL. (a) In this section:

- (1) "Adjutant general" has the meaning assigned by Section 431.022.
- (2) "State military forces" has the meaning assigned by Section 431.001.

(b) The adjutant general is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

- (1) a member of the state military forces;
- (2) an employee of the adjutant general's department;
- (3) an applicant for enlistment in the state military forces; or
- (4) an applicant for employment with the adjutant general's department.

(c) The adjutant general is entitled to criminal history record information under Subsection (b)(3) or (b)(4) only if the adjutant general submits to the department a signed statement from the applicant that authorizes the adjutant general to obtain the information.

(d) Criminal history record information obtained by the adjutant general under Subsection (b) may not be released to any person or agency except on court order or with the consent of the person who is the subject of the criminal history record information.

(e) The adjutant general shall destroy criminal history record information obtained under Subsection (b) after the purpose for which the information was obtained is accomplished.

Sec. 411.122. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: LICENSING OR REGULATORY AGENCY. (a) Except as provided by Subsection (c)(2), an agency of this state or a political subdivision of this state covered by Article 6252-13c, Revised Statutes, 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) an applicant for a license from the agency; or
- (2) the holder of a license from the agency.

(b) Under this section, an agency is entitled to obtain only criminal history record information that relates to the conviction of the person.

(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 2, Article 6252-13c, Revised Statutes.

Sec. 411.123. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: MUNICIPAL FIRE DEPARTMENT. (a) A fire department that is operated by a municipality in this state is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

- (1) an applicant for a beginning position with the fire department; and
- (2) required to be certified by the Texas Commission on Fire Protection.

(b) A fire department is entitled to obtain only criminal history record information that relates to the conviction of the person.

Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: VOLUNTEER FIRE DEPARTMENTS. (a) A volunteer fire department or a fire department operated by a rural fire prevention district is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is required to be certified by the Texas Commission on Fire Protection and:

- (1) is an applicant for a beginning position with the fire department; or
- (2) currently holds a position with that fire department.

(b) A fire department is entitled to obtain only criminal history record information that relates to the conviction of the person.

(c) A fire department may not keep or retain criminal history record information obtained under this section in any file. Criminal history record information must be destroyed promptly after the determination of suitability of the person for any position as a volunteer or employee.

Sec. 411.124. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: POLITICAL SUBDIVISIONS; PUBLIC TRANSPORTATION DRIVERS. (a) A political subdivision of this state that employs, licenses, or regulates drivers of public transportation vehicles is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

- (1) *the driver of a public transportation vehicle; and*
- (2) *employed, licensed, or regulated by the political subdivision.*

(b) *A municipality is entitled to obtain only criminal history record information that relates to a conviction of the person.*

Sec. 411.125. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: BOARD OF NURSE EXAMINERS. (a) *The Board of Nurse Examiners is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:*

- (1) *is an applicant for a license from the board;*
- (2) *has requested a determination of eligibility for a license from the board; or*
- (3) *is subject to investigation by the board in connection with a complaint or formal charge against the person.*

(b) *The board is entitled to obtain only criminal history record information that relates to a conviction of the person for an offense that:*

- (1) *is classified as a felony;*
- (2) *is classified as a misdemeanor involving moral turpitude;*
- (3) *is an offense involving the abuse of a drug, including alcohol; or*
- (4) *resulted in the revocation of probation imposed following a conviction of an offense specified in Subdivision (1), (2), or (3).*

Sec. 411.126. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: VOLUNTEER CENTER OF DALLAS COUNTY. (a) *In this section:*

(1) *“Volunteer center” means a nonprofit, tax-exempt organization:*

(A) *whose primary purpose is to recruit and refer individual volunteers for other nonprofit groups in that area;*

(B) *that is certified as a bona fide volunteer center by the department; and*

(C) *that is operating on the effective date of this Act as “Volunteer Center of Dallas County.”*

(2) *“Volunteer” or “volunteer applicant” means a person who will perform one or more of the following services without remuneration:*

(A) *any service performed in a residence;*

(B) *any service that requires the access to or the handling of money or confidential or privileged information; or*

(C) *any service that involves the care of or access to:*

(i) *a child;*

(ii) *an elderly person; or*

(iii) *a person who is mentally incompetent, mentally retarded, physically disabled, ill, or incapacitated.*

(3) *“Employee” or “employee applicant” means a person who will perform one or more of the following services or functions for remuneration:*

(A) *any service performed in a residence;*

(B) *any service that requires the access to or the handling of money or confidential or privileged information; or*

(C) *any service that involves the care of or access to:*

(i) *a child;*

(ii) *an elderly person;*

(iii) *a person who is mentally incompetent, mentally retarded, physically disabled, ill, or incapacitated;*

(D) *coordination or referral of volunteers; or*

(E) *executive administrative responsibilities.*

(4) "Client agency" means a nonprofit agency served by a volunteer center.

(b) A volunteer center is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who is:

(1) an employee, an employee applicant, a volunteer, or a volunteer applicant of the volunteer center; or

(2) an employee, an employee applicant, a volunteer, or a volunteer applicant of a client agency.

(c) A volunteer center is entitled to obtain from the department only criminal history record information that relates to a conviction.

(d) The department may establish rules governing the administration of this section.

(e) A volunteer center may disseminate criminal history record information to a client agency, if the client agency has been approved by the department.

(f) A volunteer center or client agency may not keep or retain criminal history record information obtained under this section in any file. Criminal history record information must be destroyed promptly after the determination of suitability of the person for any position as a volunteer or employee.

SECTION 36. Subsection (j-3), Section 10, Article 42.12, Code of Criminal Procedure, as added by Chapter 1135, Acts of the 71st Legislature, Regular Session, 1989, is amended to read as follows:

(j-3) The judges of the county courts at law in Hidalgo County shall participate in the management of the probation department serving the county, and for that purpose have the same duties and powers imposed by this section as do the district judges trying criminal cases in the county. ~~[The probation department may obtain criminal history record information (CHRI) relating to an applicant for employment with the department that is maintained by the Department of Public Safety, the Federal Bureau of Investigation identification division, or any other law enforcement agency. The information obtained under this subsection is for the exclusive use of the department and is privileged and confidential. The information may not be released or otherwise disclosed except on court order or consent of the applicant.]~~

SECTION 37. Article 60.01, Code of Criminal Procedure, is amended by adding Subdivision (16) to read as follows:

(16) "Electronic means" means the transmission of data between word processors, data processors, or similar automated information equipment over dedicated cables, commercial lines, or other similar methods of transmission.

SECTION 38. Chapter 60, Code of Criminal Procedure, is amended by adding Article 60.061 to read as follows:

Art. 60.061. **INFORMATION ON PERSONS LICENSED BY CERTAIN AGENCIES.**
 (a) The Texas State Board of Medical Examiners, the Texas State Board of Podiatry Examiners, the State Board of Dental Examiners, the State Board of Pharmacy, and the State Board of Veterinary Medical Examiners shall provide to the Department of Public Safety through electronic means, magnetic tape, or disk, as specified by the department, a list including the name, date of birth, and any other personal descriptive information required by the department for each person licensed by the respective agency. Each agency shall update this information and submit to the Department of Public Safety the updated information monthly.

(b) The Department of Public Safety shall perform at least monthly a computer match of the licensing list against the convictions maintained in the computerized criminal history system. The Department of Public Safety shall report to the appropriate licensing agency for verification and administrative action, as considered appropriate by the licensing agency, the name of any person found to have a record of conviction, except a defendant whose prosecution is deferred during a period of probation without an adjudication or plea of guilt.

(c) The transmission of information by electronic means under Subsection (a) of this article does not affect whether the information is subject to disclosure under the open records

law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

SECTION 39. Article 60.07, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c) Subject to available telecommunications capacity, the Department of Public Safety shall develop the capability to receive by electronic means from a law enforcement agency the information on the uniform incident fingerprint card. The information must be in a form that is compatible to the form required of data supplied to the criminal justice information system.

SECTION 40. Subsection (a), Article 60.12, Code of Criminal Procedure, is amended to read as follows:

(a) The Department of Public Safety shall, when a jurisdiction transmits fingerprints and arrest information by a remote terminal accessing the statewide automated fingerprint identification system, use that transmission either to create a permanent record in the criminal justice information system or to create a temporary arrest record in the criminal justice information system to be maintained by the department until the department receives and processes the physical copy of the arrest information.

SECTION 41. Chapter 60, Code of Criminal Procedure, is amended by adding Article 60.18 to read as follows:

Art. 60.18. INFORMATION ON SUBSEQUENT ARREST OF CERTAIN INDIVIDUALS. The Texas Department of Criminal Justice and the Department of Public Safety shall develop the capability to send to a community supervision and corrections department, district parole office, and county data processing department by electronic means information about the subsequent arrest of a person under the supervision of the office or department.

SECTION 42. Chapter 411, Government Code, is amended by adding Section 411.127 to read as follows:

Sec. 411.127. ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: APPLICANTS FOR EMPLOYMENT. (a) The attorney general is entitled to obtain from the Department of Public Safety criminal history record information maintained by the department that relates to a person who is an applicant for a position of employment with the attorney general that involves the performance of duties under Chapter 76, Human Resources Code. The attorney general may not request the information unless a supervisory employee of the attorney general's office has recommended that the applicant be hired.

(b) Criminal history record information obtained by the attorney general under Subsection (a) may not be released or disclosed to any person except on court order or with the consent of the person who is the subject of the criminal history record information.

(c) The attorney general shall destroy criminal history record information that relates to a person after the information is used for its authorized purpose.

SECTION 43. The Department of Public Safety shall develop the capability to receive or send the information by the means required by Articles 60.061, 60.07(c), and 60.18, Code of Criminal Procedure, as added by this Act, not later than January 1, 1995.

SECTION 44. The Department of Public Safety's responsibility for review under Article 13, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is limited to one definable activity during the first two years the provision applies to the department.

SECTION 45. The Department of Public Safety shall forward the results of the study required in Section 411.0076, Government Code, as added by this Act, to the Commission on Human Rights for review and comment.

SECTION 46. The following laws are repealed:

(1) Section 13.0322, Education Code (Central Education Agency);

(2) Subsection (b), Section 5.36, Alcoholic Beverage Code (Texas Alcoholic Beverage Commission);

- (3) Section 13e, Bingo Enabling Act (Article 179d, Vernon's Texas Civil Statutes) (Texas Alcoholic Beverage Commission);
- (4) Subsections (a), (c), (d), and (e), Section 9, Article 350, Revised Statutes (banking commissioner);
- (5) Section 12, Texas Boxing and Wrestling Act (Article 8501-1, Vernon's Texas Civil Statutes) (commissioner of licensing and regulation);
- (6) Subsections (b) and (d), Section 51.215, Education Code (institutions of higher education);
- (7) Section 17A, Texas Pawnshop Act (Article 5069-51.17A, Vernon's Texas Civil Statutes) (consumer credit commissioner);
- (8) Subsections (b) and (c), Section 5.04, Texas Racing Act (Article 179e, Vernon's Texas Civil Statutes) (Texas Racing Commission);
- (9) Subsections (b), (c), and (f), Section 21.917, Education Code (school districts);
- (10) Section 11.064, Education Code (Texas School for the Blind and Visually Impaired);
- (11) Section 82.029, Government Code (Board of Law Examiners);
- (12) Subsection (d), Section 6, Texas Structural Pest Control Act (Article 135b-6, Vernon's Texas Civil Statutes) (Texas Structural Pest Control Board);
- (13) Section 80.002, Human Resources Code (McGruff House programs);
- (14) Section 80.004, Human Resources Code (child watch programs);
- (15) Subsections (b), (c), (e), (g), (h), and (i), Section 11-E, Texas Unemployment Compensation Act (Article 5221b-9e, Vernon's Texas Civil Statutes) (Texas Employment Commission);
- (16) Subsection (a), Section 21B, Public Accountancy Act of 1991 (Article 41a-1, Vernon's Texas Civil Statutes) (Texas State Board of Public Accountancy);
- (17) Sections (a), (b), (c), (d), (f), (g), and (h), Article 1.10C, Insurance Code (Texas Department of Insurance);
- (18) Subsection (i), Section 4, Article 21.28, Insurance Code (receiver);
- (19) Subsections (f), (h), (i), (o), and (p), Section 3.06, State Lottery Act (Article 179g, Vernon's Texas Civil Statutes) (comptroller of public accounts);
- (20) Subsections (a), (c), (d), (e), and (f), Section 154.5095, Tax Code (treasurer);
- (21) Subsections (a), (c), (d), (e), and (f), Section 155.2075, Tax Code (treasurer);
- (22) Subsections (a), (b), (c), (d), (f), (g), (h), and (i), Section 773.070, Health and Safety Code (Texas Department of Health);
- (23) Subsection (c), Section 32.21, Family Code (state district courts);
- (24) Subsections (a), (c), (d), (e), (f), (g), and (h), Section 11.033, Education Code (Texas School for the Deaf);
- (25) Subsections (a), (c), (d), (e), (f), (g), (h), and (i), Section 22.006, Sections 106.003, 106.009, and 106.010, and Subsection (b), Section 106.012, Human Resources Code (Texas Department of Human Services);
- (26) Subsections (a), (b), (c), (e), (f), (g), and (h), Section 533.007, Health and Safety Code (Texas Department of Mental Health and Mental Retardation, community centers);
- (27) Section 111.058, Human Resources Code (Texas Rehabilitation Commission);
- (28) Sections 135.003, 135.004, and 135.005, Human Resources Code (subsidized housing residences);
- (29) Section 431.037, Government Code (adjutant general);
- (30) Section 3, Article 6252-13c, Revised Statutes (licensing and regulatory agencies);
- (31) Subsection (j), Article 4525, Revised Statutes (Board of Nurse Examiners); and
- (32) Section 51.305, Government Code.

SECTION 47. (a) This Act takes effect September 1, 1993.

(b) The changes in law made by this Act to the qualifications of members of the Public Safety Commission apply only to persons appointed to the commission on or after September 1, 1993.

(c) The changes in law made by this Act relating to the reinstatement of a driver's license apply only to a driver's license that is reinstated on or after September 1, 1993.

(d) The changes in law made by Sections 25 and 29 of this Act relating to the suspension of the driver's license of a person younger than 21 years of age apply only to a person who is arrested on or after the effective date of this Act. A person arrested before the effective date of this Act is covered by the law in effect when the arrest occurred, and the former law is continued in effect for that purpose.

SECTION 48. 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 April 7, 1993, by a viva-voce vote; May 7, 1993, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 12, 1993, House granted request of the Senate; May 25, 1993, Senate adopted Conference Committee Report by a viva-voce vote; passed the House, with amendments, on May 6, 1993, by a non-record vote; May 12, 1993, House granted request of the Senate for appointment of Conference Committee; May 27, 1993, House adopted Conference Committee Report by a non-record vote.

Approved June 18, 1993.

Effective Sept. 1, 1993.