

- SUBJECT:** Granting tax assessors access to criminal histories for certain purposes
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 9 ayes — Phillips, Nevárez, Burns, Dale, Johnson, Metcalf, Moody, M. White, Wray
- 0 nays
- WITNESSES:** For — J. R. Harris, Harris County Tax Assessor-Collector’s Office; Nicole Czajkoski, Montgomery County District Attorney’s Office; Kevin Kieschnick, Tax Assessor-Collectors Association of Texas; (*Registered, but did not testify*: Charles Reed, Dallas County; Tammy McRae, Montgomery County)
- Against — None
- BACKGROUND:** Under Transportation Code, ch. 520, subch. E, county tax assessor-collectors in counties with a population greater than 500,000 or in which the commissioner’s courts have adopted Subchapter E are responsible for determining the business reputation and character of applicants for motor vehicle title service licenses. County tax assessor-collectors also are responsible for establishing grounds for the denial, suspension, revocation or reinstatement of a license.
- Under sec. 520.051, a motor vehicle title service is any person or entity that for compensation assists other people in obtaining title documents by submitting, transmitting, or sending applications for title documents to the appropriate government agencies.
- Government Code, sec. 411.084 limits the use of criminal history record information to the authorized recipient of the information and restricts the release of the information by the authorized recipient unless authorized by statute or court order.
- DIGEST:** HB 2208 would authorize county tax assessor-collectors to obtain

Department of Public Safety criminal history record information about applicants for motor vehicle title service licenses.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2015.

**SUPPORTERS
SAY:**

HB 2208 would discourage and prevent title fraud. County tax assessor-collectors currently have access to records relating to convictions for crimes committed within the county, but are unable to easily find convictions from other counties. Assessor-collectors are therefore unable to determine if an applicant has committed title fraud in other parts of the state or country. The bill would deter title fraud by ensuring that those who commit fraud cannot simply jump from jurisdiction to jurisdiction obtaining licenses to operate title services without being detected.

The bill would give assessor-collectors the same access to information that other state agencies use to obtain criminal histories on individuals seeking licenses from those agencies. The bill would allow criminal history checks only on people who apply for licenses. The bill is subject to the safeguards in Government Code, sec. 411.084 that restrict the release of criminal history information.

**OPPONENTS
SAY:**

While preventing title fraud is important, this bill would add to the list of entities with access to DPS criminal history reports. These reports can contain damaging and even inaccurate information, and expanding access to this information could increase the possibility of its dissemination and unauthorized release. The state should be cautious about continuing to authorize expanded access to criminal history information that could be misused and misinterpreted.

NOTES:

The companion bill, SB 1577 by Hinojosa, was referred to the Senate Transportation Committee on March 23.