

BILL ANALYSIS

Senate Research Center
81R10605 KCR-F

H.B. 4343
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Department of Insurance (TDI) is charged with examining persons to determine fitness for an insurance license. TDI is authorized to deny a license to a person who has engaged in certain criminal conduct or has been convicted of a crime directly related to the business of insurance. TDI is allowed to access criminal history information on some applicants who have convictions, but persons who engage in the same conduct but receive deferred adjudication of sentencing may obtain nondisclosure orders after completion of the probationary period. When the nondisclosure order is issued, the person may legally indicate on the licensure application that he or she has not been the subject of criminal proceedings. This ability to deny the existence of the criminal history prevents TDI from obtaining complete information related to an applicant for a license. The Government Code lists a number of entities and agencies that are permitted to receive criminal history information which allows the agencies and entities to obtain complete information on an applicant for determining fitness for licensure. Because of the trust insurance consumers place in insurance agents and companies it is important that any criminal history be considered when determining whether to issue a license.

H.B. 4343 relates to access to certain criminal history record information maintained by the Department of Public Safety of the State of Texas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.081(i), Government Code, to authorize a criminal justice agency to disclose criminal history record information that is the subject of an order of nondisclosure to certain noncriminal justice agencies or entities only, including the Texas Department of Insurance. Makes a nonsubstantive change.

SECTION 2. Makes application of Section 411.081(i), as amended by this Act, prospective.

SECTION 3. Effective date: upon passage or September 1, 2009.