

BILL ANALYSIS

Senate Research Center
84R20257 MAW-F

H.B. 4030
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, certain occupational licenses allow the applicant to work for 120 days while the applicant's background information is being processed by the Department of Public Safety of the State of Texas (DPS). These types of licenses include those issued for locksmiths and alarm installers who have access to the inside of private homes. In late February 2015, it was reported in the news that a registered sex offender was installing home security alarms. Eventually his application was rejected; however, during the time period when he was allowed to work, neither he nor his employer revealed to customers his criminal background before sending him to work inside their homes. According to DPS, at least 48 of these type of licenses for locksmiths and security system installers have been denied due to criminal convictions.

H.B. 4030 closes this loophole that allows applicants to work during the time period when their background check has not been completed.

H.B. 4030 amends current law relating to applications for and certain information regarding an applicant for registration or endorsement under the Private Security Act.

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 1702.230, Occupations Code, by amending Subsection (a) and adding Subsections (d), (e), and (f), as follows:

(a) Requires that an application for registration or endorsement be verified and include:

(1)-(5) Makes no change to these subdivisions;

(6) Makes a nonsubstantive change;

(7) the required fees, including the criminal history check fee established under Section 1702.282 (Criminal History Check);

(8) fingerprints of the applicant provided in the manner prescribed by the Texas Private Security Board (board); and

(9) any other information, evidence, statement, or document required by the board.

(d) Provides that for purposes of Subsection (a), an application is not considered to be verified until the board has received electronic verification from the Department of Public Safety of the State of Texas (DPS) or the Federal Bureau of Investigation, as applicable, that the applicant has submitted the applicant's fingerprints.

(e) Requires the board to make information available to the public concerning whether an applicant for registration or endorsement has met the requirements under this chapter for performing a service for which the registration or endorsement is required.

(f) Authorizes the applicant to begin performing the duties of employment for which the registration or endorsement is required, other than duties as a commissioned security officer, if information concerning an applicant is not made available under Subsection (e) before the 48th hour after the time the applicant's fingerprints are submitted in accordance with Subsection (a), if the employer or its agent:

(1) verifies through DPS' publicly accessible website that the applicant is:

(A) not disqualified for the registration or endorsement based on the applicant's criminal history; and

(B) not required to register as a sex offender under Chapter 62 (Sex Offender Registration Program), Code of Criminal Procedure; and

(2) maintains in the applicant's employee file a copy of the search results obtained under Subdivision (1).

SECTION 2. Provides that Section 1702.230(a), Occupations Code, as amended by this Act, applies only to an application for registration or endorsement that is submitted to the Texas Private Security Board on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.