CRIMINAL HISTORY CHECKS:

THE “TEXAS” EXPERIENCE

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Overview

- Agency Structure
- Jurisdiction/Licensing Authority
- Criminal History Checks in Texas
- TALCB Working Group
- Recommendation
- Implementation
- Lessons Learned
- Questions
Agency Structure

- The Texas Appraiser Licensing & Certification Board (TALCB) is an independent subdivision of the Texas Real Estate Commission (TREC) that is governed by a 9-member Board appointed by the Texas governor.
- TREC is governed by a separate 9-member Commission appointed by the Texas governor.
Jurisdiction/Licensing Authority

- **TALCB**
  - TALCB is the licensing agency for real property appraisers in Texas.
  - Currently, we have almost 6,100 license holders, including appraisers and trainees.

- **TREC**
  - TREC licenses real estate brokers and sales agents; easement and right-of-way agents; home inspectors; and residential service (or home warranty) companies.
  - TREC has approximately 167,500 license holders.
Criminal History Checks in Texas

- **TREC**
  - National/FBI fingerprint-based criminal history checks for real estate brokers and sales agents since 2007; and
  - Home inspectors since 2013.

- **TALCB**
  - Statewide criminal history checks for license holders and applicants since 2003; and
  - Statutory authority for national fingerprint-based criminal history checks requested and granted in 2015.
TALCB Working Group

- Appointed November 2015
- Purpose – To develop recommendations on how or whether to implement fingerprint-based national criminal history checks.
- Chaired by a Board member.
- Includes appraiser members and AMC compliance professionals.
- First meeting – March 17, 2016.
- Next meeting – Monday, April 11, 2016.
Recommendations

- General consensus recommending adoption of fingerprint-based national criminal history checks for license holders and applicants.
- Asked staff to draft rules needed for implementation.
- Will consider rule drafts at next meeting.
- May also consider other issues related to criminal history checks, e.g., effective dates, limits on additional criminal history checks.
Implementation


- Possible timeline for implementation:
  - Recommendations and proposed rule changes presented at May 2016 TALCB meeting.
  - After publication and comment period, rule changes considered for adoption at August 2016 TALCB meeting.
  - Effective date would likely coincide with AQB Criteria effective date.
    - New applications filed after January 1, 2017.
    - Renewals phased in over two-year renewal cycle.
Lessons Learned

- Chapter 53, Texas Occupations Code
  - Is conviction relevant to the licensed occupation?
  - Aggravating/Mitigating Factors
    - Recency
    - Rehabilitation
    - Restitution

- Technology for Data Transfer & Use
  - Creating/building computer system to handle/accept data
  - Maintaining data confidentiality
  - Developing process for use of data (aka what do I do with this information?)

- Audits by law enforcement agencies
Questions
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