

AN ACT

relating to the Judicial Branch Certification Commission; authorizing the Supreme Court of Texas to adopt rules on ineligibility to renew a certification, registration, or license issued by the commission; specifying conditions for the imposition of administrative sanctions by the commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 152.203, Government Code, is amended to read as follows:

Sec. 152.203. RULES ON INELIGIBILITY. The supreme court shall adopt rules on applicants' ineligibility for certification, registration, or licensing or renewal of certification, registration, or licensing under this subtitle based on the person's criminal history or other information, including failure to comply with commission orders or timely pay fees or administration penalties, that indicates the person lacks the honesty, trustworthiness, or integrity to hold the certification, registration, or license.

SECTION 2. Section 153.004, Government Code, is amended to read as follows:

Sec. 153.004. DENIAL, REVOCATION, SUSPENSION, OR REFUSAL TO RENEW; REPRIMAND; PROBATION. (a) The commission may deny, revoke, suspend, or refuse to renew a certification, registration, or license or may reprimand a regulated person for a violation of this

1 subtitle, a law establishing a regulatory program administered by
2 the commission, a rule adopted under this subtitle, or an order
3 issued by the commission or director.

4 (b) The commission shall determine the severity of an
5 administrative sanction, including the length of the period of time
6 a revocation, suspension, refusal to renew a certification,
7 registration, or license, based upon:

8 (1) the seriousness of the violation, including the
9 nature, circumstances, extent, and gravity of the violation;

10 (2) the threat to health or safety caused by the
11 violation;

12 (3) any previous violations;

13 (4) the administrative sanction necessary to deter a
14 future violation;

15 (5) whether the violator demonstrated good faith,
16 including when applicable whether the violator made good faith
17 efforts to correct the violation; and

18 (6) any other matter that justice may require.

19 (c) [~~(b)~~] The commission may place on probation a person
20 whose certification, registration, or license is suspended. If a
21 certification, registration, or license suspension is probated,
22 the commission may require the person to:

23 (1) report regularly to the commission on matters that
24 are the basis of the probation;

25 (2) limit practice to the areas prescribed by the
26 commission; or

27 (3) continue or review professional education until the

1 person attains a degree of skill satisfactory to the commission in
2 those areas that are the basis for the probation.

3 (d) [~~(e)~~] On the commission's motion, or on the
4 recommendation of commission staff, the commission may conduct a
5 hearing to inquire into a suspension. If the commission determines
6 that a person has not corrected the deficiencies that were the
7 grounds of the suspension or has not complied with the conditions
8 imposed by the commission, the commission may revoke or take other
9 disciplinary action against the person's certification,
10 registration, or license.

11 SECTION 3. This Act takes effect September 1, 2023.

S.B. No. 2106

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2106 passed the Senate on April 27, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 2106 passed the House on May 19, 2023, by the following vote: Yeas 126, Nays 17, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor