

BILL ANALYSIS

S.B. 1750
By: Whitmire
Licensing & Administrative Procedures
Committee Report (Amended)

BACKGROUND AND PURPOSE

Over the last decade, legislation has been approved restricting criminal offenders from receiving various state licenses to work in various professions. Research has shown that the greatest deterrent to future crimes is meaningful full-time employment.

S.B. 1750 modifies the list of persons and entities that Chapter 53, Occupations Code, does not apply to, to include a reserve law enforcement officer, a county jailer, or a public security officer licensed or applying for a license under Chapter 1701, Occupations Code, or a person who is licensed by certain agencies, including the Texas State Board of Examiners of Psychologists, the Board of Nurse Examiners, the Texas State Board of Public Accountancy, or is licensed under Chapter 156, Finance Code; and has been convicted of certain offenses. S.B. 1750 authorizes licensing authorities to suspend or revoke a license, disqualify a person from receiving a license, or deny a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license. This bill also provides that, unless the aforementioned restrictions apply to an applicant for a license, the licensing authority is required to issue a license for which the applicant applied or a provisional license; authorizes a licensing authority to issue a provisional license for a term of six months. S.B. 1750 requires the licensing authority to report the issuance of a provisional license to the appropriate supervising department, if the person is on probation or on parole.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 53.002, Occupations Code, as follows:

Sec. 53.002. APPLICABILITY OF CHAPTER. Provides that this chapter (Consequences of Criminal Conviction) does not apply to certain persons and entities, including a reserve law enforcement officer, a county jailer, or a public security officer licensed or applying for a license under Chapter 1701 (Law Enforcement Officers); or a person who is licensed by certain agencies, including the Texas State Board of Examiners of Psychologists, the Board of Nurse Examiners, the Texas State Board of Public Accountancy, or is licensed under Chapter 156, Finance Code; and has been convicted of: a felony under Chapter 481 or 483 or Section 485.033, Health and Safety Code; an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

SECTION 2. Amends Subsection (a), Section 53.021, Occupations Code, as follows:

(a) Authorizes a licensing authority to suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license.

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SECTION 3. Amends Subchapter B, Chapter 53, Occupations Code, by adding Section 53.0211 as follows:

Sec. 53.0211. LICENSING OF CERTAIN APPLICANTS WITH PRIOR CRIMINAL CONVICTIONS. (a) Requires a licensing authority, notwithstanding any other law and unless the applicant has been convicted of an offense described by Section 53.021(a), to issue to an otherwise qualified applicant who has been convicted of an offense:

- (1) the license for which the applicant applied; or
- (2) a provisional license described by Subsection (b).

(b) Authorizes a licensing authority to issue a provisional license for a term of six months to an applicant who has been convicted of an offense.

(c) Requires the licensing authority to revoke a provisional license if the provisional license holder:

- (1) commits a new offense;
- (2) commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, if applicable; or
- (3) violates the law or rules governing the practice of the occupation for which the provisional license is issued.

(d) Requires the licensing authority to issue the license for which the applicant originally applied to a provisional license holder on the expiration of the provisional license term if the provisional license holder does not engage in conduct described by Subsection (c).

(e) Provides that if the licensing authority revokes a provisional license under Subsection (c), the provisional license holder is disqualified from receiving the license for which the applicant originally applied.

(f) Requires an applicant who is on community supervision, mandatory supervision, or parole and who is issued a provisional license under this section to provide to the licensing authority the name and contact information of the probation or parole department to which the person reports. Requires the licensing authority to notify the probation or parole department that a provisional license has been issued. Requires the probation or parole department to notify the licensing authority if the person's community supervision, mandatory supervision, or parole supervision is revoked during the term of the provisional license.

SECTION 4. Provides that the change in law made by this Act applies only to an application for a license filed with a licensing authority, to which Chapter 53, Occupations Code, applies, on or after the effective date of this Act.

SECTION 5. Effective date: Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EXPLANATION OF AMENDMENTS

The amendment substitutes the Texas State Board of Public Accountancy for the Texas Optometry Board under the list of persons who the applicability of Chapter 53, Occupations Code, does not apply to and who has been convicted of a felony under chapter 481 or 483 or Section 485.033, Health and Safety Code; an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure. The amendment adds Subsection (4) to Section 53.002, Occupations Code

to add a person who is licensed by the Texas State Board of Public Accountancy to the list that Chapter 53, Occupations Code, does not apply to; makes conforming changes.