

By: Whitmire

S.B. No. 1750

A BILL TO BE ENTITLED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

relating to the issuance of an occupational license to certain applicants with criminal convictions.

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

SECTION 1. Section 53.002, Occupations Code, is amended to read as follows:

Sec. 53.002. APPLICABILITY OF CHAPTER. This chapter does not apply to:

(1) the Supreme Court of Texas, a person licensed under the court's authority on behalf of the judicial department of government, or an applicant for a license issued under the court's authority on behalf of the judicial department of government;

(2) a peace officer or an applicant for a license as a peace officer described by Article 2.12, Code of Criminal Procedure, or to a reserve law enforcement officer, a county jailer, or a public security officer licensed or applying for a license under Chapter 1701; or

(3) a person who:

(A) is licensed by the Texas State Board of Medical Examiners, the Texas State Board of Pharmacy, the State Board of Dental Examiners, the Texas State Board of Examiners of Psychologists, the Board of Nurse Examiners, the Texas State Board of Public Accountancy, or the State Board of Veterinary Medical Examiners or is licensed under Chapter 156, Finance Code; and

1 (B) has been convicted of:

2 (i) a felony under Chapter 481 or 483 or  
3 Section 485.033, Health and Safety Code;

4 (ii) an offense listed in Section 3g,  
5 Article 42.12, Code of Criminal Procedure; or

6 (iii) a sexually violent offense, as  
7 defined by Article 62.001, Code of Criminal Procedure.

8 SECTION 2. Subsection (a), Section 53.021, Occupations  
9 Code, is amended to read as follows:

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

17 SECTION 3. Subchapter B, Chapter 53, Occupations Code, is  
18 amended by adding Section 53.0211 to read as follows:

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

24 (1) the license for which the applicant applied; or

25 (2) a provisional license described by Subsection (b).

26 (b) A licensing authority may issue a provisional license  
27 for a term of six months to an applicant who has been convicted of an

1 offense.

2 (c) The licensing authority shall revoke a provisional  
3 license if the provisional license holder:

4 (1) commits a new offense;

5 (2) commits an act or omission that causes the person's  
6 community supervision, mandatory supervision, or parole to be  
7 revoked, if applicable; or

8 (3) violates the law or rules governing the practice  
9 of the occupation for which the provisional license is issued.

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

15 (e) If the licensing authority revokes a provisional  
16 license under Subsection (c), the provisional license holder is  
17 disqualified from receiving the license for which the applicant  
18 originally applied.

19 (f) An applicant who is on community supervision, mandatory  
20 supervision, or parole and who is issued a provisional license  
21 under this section shall provide to the licensing authority the  
22 name and contact information of the probation or parole department  
23 to which the person reports. The licensing authority shall notify  
24 the probation or parole department that a provisional license has  
25 been issued. The probation or parole department shall notify the  
26 licensing authority if the person's community supervision,  
27 mandatory supervision, or parole supervision is revoked during the

1 term of the provisional license.

2 SECTION 4. The changes in law made by this Act apply only to  
3 an application for a license filed with a licensing authority, to  
4 which Chapter 53, Occupations Code, applies, on or after the  
5 effective date of this Act. An application filed before that date  
6 is governed by the law in effect when the application is filed, and  
7 the former law is continued in effect for that purpose.

8 SECTION 5. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2007.

COMMITTEE AMENDMENT NO. 1

Amend S.B. 1750 as follows:

(1) On page 1, line 17 strike "or".

(2) On page 1, lines 22 and 23 substitute "Texas State Board of Public Accountancy" for "Texas Optometry Board".

(3) On page 2, line 7 substitute the "." for "; or" and insert a new Subsection (4) to read as follows:

"(4) a person who is licensed by the Texas State Board of Public Accountancy."

Thompson