

By: Whitmire

S.B. No. 1750

A BILL TO BE ENTITLED

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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 53.021(a), Occupations Code, is amended to read as follows:

(a) A licensing authority may 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:

(1) a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation that was committed less than five years before the date the person applies for the license;

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

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

SECTION 2. Subchapter B, Chapter 53, Occupations Code, is amended by adding Section 53.0211 to read as follows:

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

1 otherwise qualified applicant who has been convicted of an offense:

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

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

4 (b) A licensing authority may issue a provisional license  
5 for a term of six months to an applicant who has been convicted of an  
6 offense.

7 (c) The licensing authority shall revoke a provisional  
8 license if the provisional license holder:

9 (1) commits a new offense;

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

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

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

20 (e) If the licensing authority revokes a provisional  
21 license under Subsection (c), the provisional license holder is  
22 disqualified from receiving the license for which the applicant  
23 originally applied.

24 (f) An applicant who is on community supervision, mandatory  
25 supervision, or parole and who is issued a provisional license  
26 under this section shall provide to the licensing authority the  
27 name and contact information of the probation or parole department

1 to which the person reports. The licensing authority shall notify  
2 the probation or parole department that a provisional license has  
3 been issued. The probation or parole department shall notify the  
4 licensing authority if the person's community supervision,  
5 mandatory supervision, or parole supervision is revoked during the  
6 term of the provisional license.

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

13 SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2007.