

1-1 By: Whitmire S.B. No. 1750  
1-2 (In the Senate - Filed March 9, 2007; March 21, 2007, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 10, 2007, reported favorably, as amended, by the following  
1-5 vote: Yeas 6, Nays 0; April 10, 2007, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Whitmire

1-7 Amend S.B. No. 1750 by adding the following appropriately numbered  
1-8 SECTION to the bill and renumbering the subsequent SECTIONS  
1-9 accordingly:

1-10 SECTION \_\_. Section 53.002, Occupations Code, is amended to  
1-11 read as follows:

1-12 Sec. 53.002. APPLICABILITY OF CHAPTER. This chapter does  
1-13 not apply to:

1-14 (1) the Supreme Court of Texas, a person licensed  
1-15 under the court's authority on behalf of the judicial department of  
1-16 government, or an applicant for a license issued under the court's  
1-17 authority on behalf of the judicial department of government;

1-18 (2) a peace officer or an applicant for a license as a  
1-19 peace officer described by Article 2.12, Code of Criminal  
1-20 Procedure, or to a reserve law enforcement officer, a county  
1-21 jailer, or a public security officer licensed or applying for a  
1-22 license under Chapter 1701; or

1-23 (3) a person who:

1-24 (A) is licensed by the Texas State Board of  
1-25 Medical Examiners, the Texas State Board of Pharmacy, the State  
1-26 Board of Dental Examiners, or the State Board of Veterinary Medical  
1-27 Examiners; and

1-28 (B) has been convicted of a felony under Chapter  
1-29 481 or 483 or Section 485.033, Health and Safety Code.

1-30 A BILL TO BE ENTITLED  
1-31 AN ACT

1-32 relating to the issuance of an occupational license to certain  
1-33 applicants with criminal convictions.

1-34 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-35 SECTION 1. Subsection (a), Section 53.021, Occupations  
1-36 Code, is amended to read as follows:

1-37 (a) A licensing authority may suspend or revoke a license,  
1-38 disqualify a person from receiving a license, or deny to a person  
1-39 the opportunity to take a licensing examination on the grounds that  
1-40 the person has been convicted of:

1-41 (1) a felony or misdemeanor that directly relates to  
1-42 the duties and responsibilities of the licensed occupation that was  
1-43 committed less than five years before the date the person applies  
1-44 for the license;

1-45 (2) an offense listed in Section 3g, Article 42.12,  
1-46 Code of Criminal Procedure; or

1-47 (3) a sexually violent offense, as defined by Article  
1-48 62.001, Code of Criminal Procedure.

1-49 SECTION 2. Subchapter B, Chapter 53, Occupations Code, is  
1-50 amended by adding Section 53.0211 to read as follows:

1-51 Sec. 53.0211. LICENSING OF CERTAIN APPLICANTS WITH PRIOR  
1-52 CRIMINAL CONVICTIONS. (a) Notwithstanding any other law and  
1-53 unless the applicant has been convicted of an offense described by  
1-54 Section 53.021(a), a licensing authority shall issue to an  
1-55 otherwise qualified applicant who has been convicted of an offense:

1-56 (1) the license for which the applicant applied; or

1-57 (2) a provisional license described by Subsection (b).

1-58 (b) A licensing authority may issue a provisional license  
1-59 for a term of six months to an applicant who has been convicted of an  
1-60 offense.

1-61 (c) The licensing authority shall revoke a provisional  
1-62 license if the provisional license holder:

2-1                   (1) commits a new offense;  
 2-2                   (2) commits an act or omission that causes the person's  
 2-3 community supervision, mandatory supervision, or parole to be  
 2-4 revoked, if applicable; or

2-5                   (3) violates the law or rules governing the practice  
 2-6 of the occupation for which the provisional license is issued.

2-7                   (d) The licensing authority shall issue the license for  
 2-8 which the applicant originally applied to a provisional license  
 2-9 holder on the expiration of the provisional license term if the  
 2-10 provisional license holder does not engage in conduct described by  
 2-11 Subsection (c).

2-12                   (e) If the licensing authority revokes a provisional  
 2-13 license under Subsection (c), the provisional license holder is  
 2-14 disqualified from receiving the license for which the applicant  
 2-15 originally applied.

2-16                   (f) An applicant who is on community supervision, mandatory  
 2-17 supervision, or parole and who is issued a provisional license  
 2-18 under this section shall provide to the licensing authority the  
 2-19 name and contact information of the probation or parole department  
 2-20 to which the person reports. The licensing authority shall notify  
 2-21 the probation or parole department that a provisional license has  
 2-22 been issued. The probation or parole department shall notify the  
 2-23 licensing authority if the person's community supervision,  
 2-24 mandatory supervision, or parole supervision is revoked during the  
 2-25 term of the provisional license.

2-26                   SECTION 3. The changes in law made by this Act apply only to  
 2-27 an application for a license filed with a licensing authority, to  
 2-28 which Chapter 53, Occupations Code, applies, on or after the  
 2-29 effective date of this Act. An application filed before that date  
 2-30 is governed by the law in effect when the application is filed, and  
 2-31 the former law is continued in effect for that purpose.

2-32                   SECTION 4. This Act takes effect immediately if it receives  
 2-33 a vote of two-thirds of all the members elected to each house, as  
 2-34 provided by Section 39, Article III, Texas Constitution. If this  
 2-35 Act does not receive the vote necessary for immediate effect, this  
 2-36 Act takes effect September 1, 2007.

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