

By: Guillen

H.B. No. 963

A BILL TO BE ENTITLED

AN ACT

relating to a criminal history evaluation letter determining occupational license eligibility.

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

SECTION 1. Chapter 53, Occupations Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PRELIMINARY EVALUATION OF LICENSE ELIGIBILITY

Sec. 53.101. DEFINITIONS. In this subchapter:

(1) "License" means a license, certificate, registration, permit, or other authorization that:

(A) is issued by a licensing authority; and

(B) a person must obtain to practice or engage in a particular business, occupation, or profession.

(2) "Licensing authority" means a department, commission, board, office, or other agency of the state that issues a license.

Sec. 53.102. REQUEST FOR CRIMINAL HISTORY EVALUATION LETTER. (a) A person may request a licensing authority to issue a criminal history evaluation letter regarding the person's eligibility for a license issued by that authority if the person:

(1) is enrolled or planning to enroll in an educational program that prepares a person for an initial license or is planning to take an examination for an initial license; and

(2) has reason to believe that the person is

1 ineligible for the license due to a conviction or deferred  
2 adjudication for a felony or misdemeanor offense.

3 (b) The request must state the basis for the person's  
4 potential ineligibility.

5 Sec. 53.103. AUTHORITY TO INVESTIGATE. A licensing  
6 authority has the same powers to investigate a request submitted  
7 under this subchapter and the requestor's eligibility that the  
8 authority has to investigate a person applying for a license.

9 Sec. 53.104. DETERMINATION OF ELIGIBILITY; LETTER. (a) If  
10 a licensing authority determines that a ground for ineligibility  
11 does not exist, the authority shall notify the requestor in writing  
12 of the authority's determination on each ground of potential  
13 ineligibility.

14 (b) If a licensing authority determines that the requestor  
15 is ineligible for a license, the licensing authority shall issue a  
16 letter setting out each basis for potential ineligibility and the  
17 authority's determination as to eligibility. In the absence of new  
18 evidence known to but not disclosed by the requestor or not  
19 reasonably available to the licensing authority at the time the  
20 letter is issued, the authority's ruling on the request determines  
21 the requestor's eligibility with respect to the grounds for  
22 potential ineligibility set out in the letter.

23 (c) A licensing authority must provide notice under  
24 Subsection (a) or issue a letter under Subsection (b) not later than  
25 the 90th day after the date the authority receives the request.

26 Sec. 53.105. FEES. A licensing authority may charge a  
27 person requesting an evaluation under this subchapter a fee adopted

1 by the authority. Fees adopted by a licensing authority under this  
2 subchapter must be in an amount sufficient to cover the cost of  
3 administering this subchapter.

4 SECTION 2. Not later than January 1, 2010, a department,  
5 commission, board, office, or other agency of the state that issues  
6 a license to practice or engage in a particular business,  
7 profession, or occupation shall adopt rules necessary to administer  
8 Subchapter D, Chapter 53, Occupations Code, as added by this Act.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2009.