

1-1 By: Guillen (Senate Sponsor - Whitmire) H.B. No. 963  
1-2 (In the Senate - Received from the House April 1, 2009;  
1-3 April 27, 2009, read first time and referred to Committee on  
1-4 Business and Commerce; May 15, 2009, reported adversely, with  
1-5 favorable Committee Substitute by the following vote: Yeas 8,  
1-6 Nays 0; May 15, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 963 By: Harris

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to a criminal history evaluation letter determining  
1-11 occupational license eligibility.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 53, Occupations Code, is amended by  
1-14 adding Subchapter D to read as follows:

1-15 SUBCHAPTER D. PRELIMINARY EVALUATION OF LICENSE ELIGIBILITY

1-16 Sec. 53.101. DEFINITIONS. In this subchapter:

1-17 (1) "License" means a license, certificate,  
1-18 registration, permit, or other authorization that:

1-19 (A) is issued by a licensing authority; and

1-20 (B) a person must obtain to practice or engage in  
1-21 a particular business, occupation, or profession.

1-22 (2) "Licensing authority" means a department,  
1-23 commission, board, office, or other agency of the state that issues  
1-24 a license.

1-25 Sec. 53.102. REQUEST FOR CRIMINAL HISTORY EVALUATION

1-26 LETTER. (a) A person may request a licensing authority to issue a  
1-27 criminal history evaluation letter regarding the person's  
1-28 eligibility for a license issued by that authority if the person:

1-29 (1) is enrolled or planning to enroll in an  
1-30 educational program that prepares a person for an initial license  
1-31 or is planning to take an examination for an initial license; and

1-32 (2) has reason to believe that the person is  
1-33 ineligible for the license due to a conviction or deferred  
1-34 adjudication for a felony or misdemeanor offense.

1-35 (b) The request must state the basis for the person's  
1-36 potential ineligibility.

1-37 Sec. 53.103. AUTHORITY TO INVESTIGATE. A licensing  
1-38 authority has the same powers to investigate a request submitted  
1-39 under this subchapter and the requestor's eligibility that the  
1-40 authority has to investigate a person applying for a license.

1-41 Sec. 53.104. DETERMINATION OF ELIGIBILITY; LETTER. (a) If  
1-42 a licensing authority determines that a ground for ineligibility  
1-43 does not exist, the authority shall notify the requestor in writing  
1-44 of the authority's determination on each ground of potential  
1-45 ineligibility.

1-46 (b) If a licensing authority determines that the requestor  
1-47 is ineligible for a license, the licensing authority shall issue a  
1-48 letter setting out each basis for potential ineligibility and the  
1-49 authority's determination as to eligibility. In the absence of new  
1-50 evidence known to but not disclosed by the requestor or not  
1-51 reasonably available to the licensing authority at the time the  
1-52 letter is issued, the authority's ruling on the request determines  
1-53 the requestor's eligibility with respect to the grounds for  
1-54 potential ineligibility set out in the letter.

1-55 (c) A licensing authority must provide notice under  
1-56 Subsection (a) or issue a letter under Subsection (b) not later than  
1-57 the 90th day after the date the authority receives the request.

1-58 Sec. 53.105. FEES. A licensing authority may charge a  
1-59 person requesting an evaluation under this subchapter a fee adopted  
1-60 by the authority. Fees adopted by a licensing authority under this  
1-61 subchapter must be in an amount sufficient to cover the cost of  
1-62 administering this subchapter.

1-63 SECTION 2. Not later than September 1, 2010, a department,

2-1 commission, board, office, or other agency of the state that issues  
2-2 a license to practice or engage in a particular business,  
2-3 profession, or occupation shall adopt rules necessary to administer  
2-4 Subchapter D, Chapter 53, Occupations Code, as added by this Act.

2-5 SECTION 3. This Act takes effect immediately if it receives  
2-6 a vote of two-thirds of all the members elected to each house, as  
2-7 provided by Section 39, Article III, Texas Constitution. If this  
2-8 Act does not receive the vote necessary for immediate effect, this  
2-9 Act takes effect September 1, 2009.

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