

By: Whitmire

S.B. No. 809

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

18 (3) a person licensed or applying for a license issued
19 by the Texas State Board of Public Accountancy;

20 (4) a person licensed or applying for a license under
21 Chapter 156, Finance Code; or

22 (5) a person who:

23 (A) is licensed or is applying for a license
24 issued by the Texas Medical [State] Board [of Medical Examiners],

1 the Texas State Board of Pharmacy, the State Board of Dental
2 Examiners, the Texas State Board of Examiners of Psychologists, the
3 Texas Board of Nursing, the Texas Optometry Board, or the State
4 Board of Veterinary Medical Examiners; and

5 (B) has been convicted of:

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

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

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

12 SECTION 2. Section 53.021(a), Occupations Code, is amended
13 to read as follows:

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

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

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

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

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

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

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

8 (1) commits a new offense;

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

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

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

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

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

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

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

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