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No equivalent provision.

SECTION __. Section 53.002, Occupations Code, is amended to read as follows:

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

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

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

(3) a person licensed or applying for a license under Chapter 1702;

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

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

(6) a person who:

(A) is licensed or is applying for a license issued by the Texas ~~Medical~~ [State] Board [~~of Medical Examiners~~], the Texas State Board of Pharmacy, the State Board of Dental Examiners, the Texas State Board of Examiners of Psychologists, the Texas Board of Nursing, the Texas Optometry Board, or the State Board of Veterinary Medical Examiners; and

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(B) has been convicted of:
(i) a felony under Chapter 481 or 483 or Section 485.033, Health and Safety Code;
(ii) an offense listed in Section 3g, Article 42.12, Code of Criminal Procedure; or
(iii) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

No equivalent provision.

SECTION __. Subsection (a), Section 53.021, 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 a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license.

No equivalent provision.

SECTION __. 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

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shall issue to an otherwise qualified applicant who has been convicted of an offense:

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

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

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

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

(1) commits a new offense;

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

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

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

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

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

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

No equivalent provision.

SECTION __. The changes in law made by this Act by the amendment of Sections 53.002 and 53.021(a), Occupations Code, and the addition of Section 53.0211, Occupations Code, apply only to an application for a license filed with a licensing authority, to which Chapter 53, Occupations Code, applies, on or after the effective date of this Act. An application filed before that date is governed by the law in effect when the application is filed, and the former law is continued in effect for that purpose.

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

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

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

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

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

(b) If a licensing authority determines that the requestor

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is ineligible for a license, the licensing authority shall issue a letter setting out each basis for potential ineligibility and the authority's determination as to eligibility. In the absence of new evidence known to but not disclosed by the requestor or not reasonably available to the licensing authority at the time the letter is issued, the authority's ruling on the request determines the requestor's eligibility with respect to the grounds for potential ineligibility set out in the letter.

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

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

No equivalent provision.

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SECTION __. (a) The heading to Chapter 55, Occupations Code, is amended to read as follows:
Chapter 55. LICENSING OF [RENEWAL OF LICENSE WHILE ON] MILITARY MEMBER OR MILITARY SPOUSE [DUTY]

SECTION 2. Chapter 55, Occupations Code, is amended

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by adding Section 55.004 to read as follows:

Sec. 55.004. TEMPORARY LICENSE. (a) In this section, "military" means the armed forces of the United States.

(b) A state agency that issues a license shall adopt rules for the expedited issuance of a temporary license to an applicant who:

(1) is serving on active duty as a member of the military;

(2) was honorably discharged from active duty as a member of the military not more than one year before the date of the application; or

(3) is the spouse of a person who is serving on active duty as a member of the military.

(c) The state agency shall issue the temporary license under this section to a qualified applicant who:

(1) submits an application on a form prescribed by the agency; and

(2) pays the required fees.

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

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

SECTION 3. This Act takes effect immediately if it

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receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

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