

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 798
By: Thompson, Senfronia (Garcia)
Business & Commerce
5/7/2013
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, individuals convicted of Class C misdemeanors are often denied occupational licenses under Chapter 53 (Consequences of Criminal Conviction), Occupations Code. The maximum punishment of a Class C misdemeanor is a \$500 fine and no jail time. The denial of a license removes any possibility of practicing certain occupations regardless of training and experience such as water well drillers, auctioneers, and surveyors.

C.S.H.B. 798 amends current law relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 53.021, Occupations Code, by adding Subsection (a-1), as follows:

(a-1) Provides that Subsection (a) (relating to authorizing a licensing authority to 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 certain offenses) does not apply to a person who has been convicted only of an offense punishable as a Class C misdemeanor unless:

(1) the person is an applicant for or the holder of a license that authorizes the person to possess a firearm; and

(2) the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by 18 U.S.C. Section 921.

SECTION 2. Provides that the change in law made by this Act applies to an application for, or a disciplinary proceeding regarding, a license or other authorization that is pending with a licensing authority on the effective date of this Act or an application filed or a disciplinary proceeding commenced on or after that date.

SECTION 3. Effective date: September 1, 2013.