

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris

H.B. No. 798

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain actions taken by certain licensing authorities
3 regarding a license holder or applicant who has been convicted of a
4 Class C misdemeanor.

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

6 SECTION 1. Section 53.021(a), Occupations Code, is amended
7 to read as follows:

8 (a) A licensing authority may suspend or revoke a license,
9 disqualify a person from receiving a license, or deny to a person
10 the opportunity to take a licensing examination on the grounds that
11 the person has been convicted of an offense, other than an offense
12 punishable as a Class C misdemeanor, that:

13 (1) [~~an offense that~~] directly relates to the duties
14 and responsibilities of the licensed occupation;

15 (2) [~~an offense that~~] does not directly relate to the
16 duties and responsibilities of the licensed occupation and that was
17 committed less than five years before the date the person applies
18 for the license;

19 (3) is [~~an offense~~] listed in Section 3g, Article
20 42.12, Code of Criminal Procedure; or

21 (4) is a sexually violent offense, as defined by
22 Article 62.001, Code of Criminal Procedure.

23 SECTION 2. The change in law made by this Act applies to an
24 application for, or a disciplinary proceeding regarding, a license

H.B. No. 798

1 or other authorization that is pending with a licensing authority
2 on the effective date of this Act or an application filed or a
3 disciplinary proceeding commenced on or after that date.

4 SECTION 3. This Act takes effect September 1, 2013.

ADOPTED

MAY 15 2013

Atty. Gen.
Secretary of the Senate

By: *John H. Guice*

H.B. No. 798

Substitute the following for H.B. No. 798:

By: *Thurmond*

C.S. H.B. No. 798

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3 regarding a license holder or applicant who has been convicted of a
4 Class C misdemeanor.

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

6 SECTION 1. Section 53.021, Occupations Code, is amended by
7 adding Subsection (a-1) to read as follows:

8 (a-1) Subsection (a) does not apply to a person who has been
9 convicted only of an offense punishable as a Class C misdemeanor
10 unless:

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

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

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

21 SECTION 3. This Act takes effect September 1, 2013.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB798** by Thompson, Senfronia (Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.

Based on information provided by the Real Estate Commission, Commission on Law Enforcement Officer Standards, Office of Injured Employee Counsel, Department of Licensing and Regulation, Board of Professional Engineers, Board of Professional Land Surveying, Board of Professional Geoscientists, Texas Medical Board, Board of Nursing, Board of Chiropractic Examiners, Podiatric Medical Examiners, Funeral Service Commission, Optometry Board, Board of Pharmacy, Department of State Health Services, Commission on Environmental Quality, and Texas Education Agency, this analysis assumes that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 329 Real Estate Commission, 407 Commission on Law Enforcement Officer Standards and Education, 448 Office of Injured Employee Counsel, 452 Department of Licensing and Regulation, 460 Board of Professional Engineers, 481 Board of Professional Geoscientists, 507 Texas Board of Nursing, 508 Board of Chiropractic Examiners, 512 Board of Podiatric Medical Examiners, 513 Funeral Service Commission, 701 Central Education Agency, 464 Board of Professional Land Surveying, 503 Texas Medical Board, 514 Optometry Board, 515 Board of Pharmacy, 537 State Health Services, Department of, 582 Commission on Environmental Quality

LBB Staff: UP, SD, CWS, RB, JJO, AH, TL, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 8, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB798 by Thompson, Senfronia (Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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LBB Staff: UP, CWS, RB, JJO, AH, TL, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 2, 2013

TO: Honorable John Carona, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB798 by Thompson, Senfronia (Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.), **As Engrossed**

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LBB Staff: UP, RB, CWS, JJO, AH, TL, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 1, 2013

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB798 by Thompson, Senfronia (Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.

Based on the information provided by the Real Estate Commission, Law Enforcement Officer Standards, Office of Injured Employee Counsel, Department of Licensing and Regulation, Board of Professional Engineers, Board of Professional Land Surveying, Board of Professional Geoscientists, Texas Medical Board, Board of Nursing, Board of Chiropractic Examiners, Podiatric Medical Examiners, Funeral Service Commission, Optometry Board, Board of Pharmacy, State Health Services, Commission on Environmental Quality, Central Education Agency, this analysis assumes that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

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