

By: Johnson

H.B. No. 551

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of criminal history record information regarding applicants for professional licenses.

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

SECTION 1. Section 52.021, Occupations Code, is amended by adding Subsection (f) and Subsection (g) to read as follows:

(f) A licensing authority may not suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination under subsections (a)(1) or (a)(2) without first giving the person an opportunity to appear before a formal meeting of the authority to present arguments and evidence in favor of their application.

(g) A licensing authority may not suspend or revoke a license, disqualify a person from receiving a license, deny to a person the opportunity to take a licensing examination, or refuse to accept applications for any convictions under categorical sections of the penal code.

(1) This subsection does not apply to any categorical disqualification specified in this chapter.

SECTION 2. Section 53.104, Occupations Code, is amended to read as follows:

(b) If a licensing authority determines that the requestor is ineligible for a license, the licensing authority shall issue a letter ~~[setting out each basis for potential ineligibility and the~~

1 ~~authority's determination as to eligibility]~~ specifically
2 explaining how the nature or proximity of the offense is a
3 disqualifying conviction for specific aspects of the licensed
4 activity. In the absence of new evidence known to but not disclosed
5 by the requestor or not reasonably available to the licensing
6 authority at the time the letter is issued, the authority's ruling
7 on the request determines the requestor's eligibility with respect
8 to the grounds for potential ineligibility set out in the letter.

9 SECTION 3. This Act takes effect September 1, 2015.