

By: Rodriguez

S.B. No. 1082

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an informal preliminary hearing process before the suspension, revocation, or denial of certain occupational licenses as a result of certain criminal convictions.

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

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

(a) Subject to Section 53.02105, 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:

(1) an offense that directly relates to the duties and responsibilities of the licensed occupation;

(2) an offense that does not directly relate 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;

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

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

SECTION 2. Subchapter B, Chapter 53, Occupations Code, is amended by adding Section 53.02105 to read as follows:

Sec. 53.02105. INFORMAL PRELIMINARY HEARING. (a) Before a

1 licensing authority may suspend or revoke a person's license,
2 disqualify a person from receiving a license, or deny to a person
3 the opportunity to take a licensing examination because of the
4 person's conviction for an offense under Section 53.021(a)(1) or
5 (2), the licensing authority must:

6 (1) notify the person of the reason for the licensing
7 authority's impending determination, including an explanation of
8 the impact that the nature and date of the offense has on that
9 determination; and

10 (2) provide the person an opportunity for an informal
11 preliminary hearing before a panel of members or employees of the
12 licensing authority with the authority to impose the suspension,
13 revocation, disqualification, or denial.

14 (b) A person who is notified of a licensing authority's
15 impending determination under Subsection (a)(1) must request an
16 informal preliminary hearing before the licensing authority not
17 later than the 45th day after the date the person receives the
18 notice. A licensing authority that receives a request for an
19 informal preliminary hearing shall offer to the person, not later
20 than the 10th day after the date the licensing authority receives
21 the request, two proposed dates for the hearing. The two proposed
22 dates may not be earlier than the 14th day or later than the 45th day
23 after the date the licensing authority provides the proposed
24 hearing dates to the person. The person shall notify the licensing
25 authority of the person's acceptance of one of the proposed dates at
26 least seven days before the date the person accepts.

27 (c) A person who requests an informal preliminary hearing

1 under this section may present at the hearing arguments and
2 evidence against the impending suspension, revocation,
3 disqualification, or denial.

4 (d) If a person who is notified of an impending suspension,
5 revocation, disqualification, or denial does not request an
6 informal preliminary hearing before the licensing authority before
7 the 46th day after the date the person receives the notice under
8 Subsection (a)(1) or if the person requests a hearing but does not
9 timely respond to the notification of proposed dates as required by
10 Subsection (b), the licensing authority may suspend or revoke the
11 person's license, disqualify the person from receiving a license,
12 or deny to the person the opportunity to take a licensing
13 examination as provided by Section 53.021(a).

14 (e) The informal preliminary hearing process established by
15 this section does not affect a person's right to administrative and
16 judicial review of a licensing authority's suspension, revocation,
17 or denial of a license or the opportunity to be examined for a
18 license.

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