

BILL ANALYSIS

S.B. 1217
By: Alvarado
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires a licensing authority, in determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, to consider the extent and nature of the person's past criminal activity. Concerns have been raised that such criminal activity is left undefined, leaving open the possibility for a license to be denied or revoked on the basis of an arrest without an attendant criminal conviction. It has been suggested that, as false arrests can and do happen, it is necessary to prevent such an arrest from jeopardizing a potential professional career. S.B. 1217 seeks to address this issue by providing for a prohibition on the consideration by a licensing authority of certain arrests.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1217 amends the Occupations Code to prohibit a licensing authority, for purposes of determining a person's fitness to perform the duties and discharge the responsibilities of the licensed occupation, from considering an arrest that did not result in the person's conviction or placement on deferred adjudication community supervision.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.