

By: Allen, Guillen

H.B. No. 4214

Substitute the following for H.B. No. 4214:

By: Murr

C.S.H.B. No. 4214

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the eligibility for an occupational license by certain  
3 former inmates and the practice of certain occupations by an inmate  
4 of the Texas Department of Criminal Justice.

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

6 SECTION 1. Section 51.4041(a-1), Occupations Code, is  
7 amended to read as follows:

8 (a-1) Notwithstanding any other law, the alternative means  
9 adopted under Subsection (a) may include accepting ~~[as sufficient~~  
10 ~~evidence of a person's eligibility for a license]~~ relevant  
11 education, training, or experience obtained while the person was  
12 imprisoned if the person:

13 (1) ~~[previously held a license of the same type for~~  
14 ~~which the person is applying and the license was revoked under~~  
15 ~~Section 53.021(b)],~~

16 ~~[(2)]~~ has not been convicted of, placed on deferred  
17 adjudication for, or entered a plea of guilty or nolo contendere to:

18 (A) an offense listed in Article 42A.054, Code of  
19 Criminal Procedure;

20 (B) a sexually violent offense, as defined by  
21 Article 62.001, Code of Criminal Procedure; or

22 (C) an offense under Chapter 21 or 43, Penal  
23 Code; and

24 (2) (2) ~~[(3)]~~ while imprisoned ~~[, maintained a record of~~

1 ~~good behavior and~~]:

2 (A) successfully participated in a program  
3 acceptable to the department to prepare the person for reentry into  
4 the workforce in the occupation for which the person seeks a  
5 license; or

6 (B) performed work, under supervision acceptable  
7 to the department, [~~on a regular basis~~] in the occupation for which  
8 the person seeks a license.

9 SECTION 2. Subchapter H, Chapter 51, Occupations Code, is  
10 amended by adding Section 51.4042 to read as follows:

11 Sec. 51.4042. ELIGIBILITY OF INMATES FOR CERTAIN LICENSES.  
12 Notwithstanding any other law, the commission may adopt rules  
13 authorizing the issuance of a license under Chapter 1302, 1305,  
14 1601, 1602, or 1603 to an applicant who is an inmate of the Texas  
15 Department of Criminal Justice.

16 SECTION 3. Subchapter B, Chapter 1302, Occupations Code, is  
17 amended by adding Section 1302.062 to read as follows:

18 Sec. 1302.062. INMATES. This chapter does not apply to a  
19 person who performs air conditioning and refrigeration-related  
20 work as an inmate in the Texas Department of Criminal Justice if the  
21 work is performed as part of a reentry program or under supervision  
22 acceptable to the department.

23 SECTION 4. Section 1305.003, Occupations Code, is amended  
24 by adding Subsection (a-1) to read as follows:

25 (a-1) This chapter does not apply to a person who performs  
26 electrical work as an inmate in the Texas Department of Criminal  
27 Justice if the work is performed as part of a reentry program or

1 under supervision acceptable to the department.

2 SECTION 5. Section 1601.003, Occupations Code, is amended  
3 to read as follows:

4 Sec. 1601.003. APPLICATION OF CHAPTER. (a) This chapter  
5 does not apply to a person who:

6 (1) does not represent or advertise to the public  
7 directly or indirectly that the person is authorized by the  
8 department to practice barbering; and

9 (2) is:

10 (A) a physician or registered nurse licensed in  
11 this state and operating within the scope of the person's license;

12 (B) a commissioned or authorized medical or  
13 surgical officer of the United States armed forces;

14 (C) a person regulated under Chapter 1602, if the  
15 person practices within the scope of a permit, license, or  
16 certificate issued by the department under that chapter; or

17 ~~(D) [an inmate in the institutional division of  
18 the Texas Department of Criminal Justice who performs barbering  
19 during the person's incarceration; or~~

20 ~~[(E)]~~ a person who performs only natural hair  
21 braiding, including braiding a person's hair, trimming hair  
22 extensions only as applicable to the braiding process, and  
23 attaching commercial hair by braiding and without the use of  
24 chemicals or adhesives.

25 (b) This chapter does not apply to a person who performs  
26 barbering as an inmate in the Texas Department of Criminal Justice  
27 if the work is performed as part of a reentry program or under

1 supervision acceptable to the department.

2 SECTION 6. Section 1602.003, Occupations Code, is amended  
3 by adding Subsection (c) to read as follows:

4 (c) This chapter does not apply to a person who performs  
5 cosmetology as an inmate in the Texas Department of Criminal  
6 Justice if the work is performed as part of a reentry program or  
7 under supervision acceptable to the department.

8 SECTION 7. This Act takes effect September 1, 2021.