

BILL ANALYSIS

Senate Research Center
88R16252 MAW-F

H.B. 823
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Business & Commerce
5/16/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Windham School District and other institutions of higher education offer a variety of education and workforce training programs to persons incarcerated in Texas Department of Criminal Justice (TDCJ) facilities, many of which are designed to lead to state licensure. Participation in such programs is closely linked to reduced recidivism and better employment outcomes after release. Under current law, however, incarcerated persons are ineligible to apply for an occupational license. This frequently creates the perverse circumstance in which a formerly incarcerated person is trained in a profession, eligible for licensure, but ultimately not employed in that field because they could not afford to wait for their license to be granted after release. The training the person received—and the associated benefits—are effectively wasted.

H.B. 823 would authorize the Texas Department of Licensing and Regulation to issue rules that allow for the issuance of a license to an applicant who is currently incarcerated in a TDCJ facility. By allowing incarcerated persons to initiate the process of applying for and receiving a license while they still are in prison, they may be able to start working in their chosen field immediately after their release date, which can aid in their successful reintegration into society and potentially reduce the likelihood of recidivism.

H.B. 823 amends current law relating to the eligibility of an inmate for certain occupational licenses and the practice of certain occupations by an inmate of the Texas Department of Criminal Justice.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 1 (Section 51.4042, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 51, Occupations Code, by adding Section 51.4042, as follows:

Sec. 51.4042. ELIGIBILITY OF INMATES FOR CERTAIN LICENSES. Authorizes the Texas Commission of Licensing and Regulation, notwithstanding any other law, to adopt rules authorizing the issuance of a license under Chapter 1302 (Air Conditioning and Refrigeration Contractors), 1305 (Electricians), or 1603 (Regulation of Barbering and Cosmetology) to an applicant who is an inmate of the Texas Department of Criminal Justice (TDCJ).

SECTION 2. Amends Subchapter B, Chapter 1302, Occupations Code, by adding Section 1302.062, as follows:

Sec. 1302.062. INMATES. Provides that this chapter does not apply to a person who performs air conditioning and refrigeration-related work as an inmate in TDCJ if the work is performed as part of a reentry program or under supervision acceptable to the Texas Department of Licensing and Regulation (TDLR).

SECTION 3. Amends Section 1305.003, Occupations Code, by adding Subsection (a-1), to provide that this chapter does not apply to a person who performs electrical work as an inmate in TDCJ if the work is performed as part of a reentry program or under supervision acceptable to TDLR.

SECTION 4. Amends Section 1603.0013, Occupations Code, as follows:

Sec. 1603.0013. APPLICATION OF CHAPTER. (a) Creates this subsection from existing text.

(b) Provides that this chapter does not apply to a person who performs barbering or cosmetology as an inmate in TDCJ if the work is performed as part of a reentry program or under supervision acceptable to TDLR.

SECTION 5. Effective date: September 1, 2023.