

By: Allen

H.B. No. 823

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(1) ~~[previously held a license of the same type for which the person is applying and the license was revoked under Section 53.021(b)],~~

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

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

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

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

(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, or
14 1603 to an applicant who is an inmate of the Texas Department of
15 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 1603.0013, Occupations Code, is amended
3 to read as follows:

4 Sec. 1603.0013. 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 or cosmetology and the person is:

9 (A) licensed in this state to practice medicine,
10 dentistry, podiatry, chiropractic, or nursing and operating within
11 the scope of the person's license;

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

14 (C) an inmate in the institutional division of
15 the Texas Department of Criminal Justice who performs barbering or
16 cosmetology during the person's incarceration;

17 (2) provides a service in an emergency;

18 (3) is in the business of or receives compensation for
19 makeup applications only;

20 (4) provides a cosmetic service as a volunteer or an
21 employee performing regular duties at a licensed nursing or
22 convalescent custodial or personal care home to a patient residing
23 in the home;

24 (5) owns, operates, or manages a licensed nursing or
25 convalescent custodial or personal care home that allows a person
26 with an operator license to perform cosmetic services for patients
27 residing in the home on an occasional but not daily basis;

1 (6) provides an incidental cosmetic service, or owns,
2 operates, or manages the location where that service is provided,
3 if the primary purpose of the service is to enable or assist the
4 recipient of the service to participate as the subject of:

5 (A) a photographic sitting at a permanent
6 establishment that charges a fee exclusively for a photographic
7 sitting;

8 (B) a television appearance; or

9 (C) the filming of a motion picture; or

10 (7) performs only natural hair braiding, including
11 braiding a person's hair, trimming hair extensions only as
12 applicable to the braiding process, and attaching commercial hair
13 by braiding and without the use of chemicals or adhesives.

14 (b) This chapter does not apply to a person who performs
15 barbering or cosmetology as an inmate in the Texas Department of
16 Criminal Justice if the work is performed as part of a reentry
17 program or under supervision acceptable to the department.

18 SECTION 6. This Act takes effect September 1, 2023.