

1-1 By: Zaffirini S.B. No. 2106
1-2 (In the Senate - Filed March 9, 2023; March 21, 2023, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 24, 2023, reported favorably by the following vote: Yeas 5,
1-5 Nays 0; April 24, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			

1-13 A BILL TO BE ENTITLED
1-14 AN ACT

1-15 relating to the Judicial Branch Certification Commission;
1-16 authorizing the Supreme Court of Texas to adopt rules on
1-17 ineligibility to renew a certification, registration, or license
1-18 issued by the commission; specifying conditions for the imposition
1-19 of administrative sanctions by the commission.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Section 152.203, Government Code, is amended to
1-22 read as follows:

1-23 Sec. 152.203. RULES ON INELIGIBILITY. The supreme court shall
1-24 adopt rules on applicants' ineligibility for certification,
1-25 registration, or licensing or renewal of certification,
1-26 registration, or licensing under this subtitle based on the
1-27 person's criminal history or other information, including failure
1-28 to comply with commission orders or timely pay fees or
1-29 administration penalties, that indicates the person lacks the
1-30 honesty, trustworthiness, or integrity to hold the certification,
1-31 registration, or license.

1-32 SECTION 2. Section 153.004, Government Code, is amended to
1-33 read as follows:

1-34 Sec. 153.004. DENIAL, REVOCATION, SUSPENSION, OR REFUSAL TO
1-35 RENEW; REPRIMAND; PROBATION. (a) The commission may deny, revoke,
1-36 suspend, or refuse to renew a certification, registration, or
1-37 license or may reprimand a regulated person for a violation of this
1-38 subtitle, a law establishing a regulatory program administered by
1-39 the commission, a rule adopted under this subtitle, or an order
1-40 issued by the commission or director.

1-41 (b) The commission shall determine the severity of an
1-42 administrative sanction, including the length of the period of time
1-43 a revocation, suspension, refusal to renew a certification,
1-44 registration, or license, based upon:

1-45 (1) the seriousness of the violation, including the
1-46 nature, circumstances, extent, and gravity of the violation;

1-47 (2) the threat to health or safety caused by the
1-48 violation;

1-49 (3) any previous violations;

1-50 (4) the administrative sanction necessary to deter a
1-51 future violation;

1-52 (5) whether the violator demonstrated good faith,
1-53 including when applicable whether the violator made good faith
1-54 efforts to correct the violation; and

1-55 (6) any other matter that justice may require.

1-56 (c) ~~(b)~~ The commission may place on probation a person
1-57 whose certification, registration, or license is suspended. If a
1-58 certification, registration, or license suspension is probated,
1-59 the commission may require the person to:

1-60 (1) report regularly to the commission on matters that
1-61 are the basis of the probation;

2-1 (2) limit practice to the areas prescribed by the
2-2 commission; or
2-3 (3) continue or review professional education until the
2-4 person attains a degree of skill satisfactory to the commission in
2-5 those areas that are the basis for the probation.
2-6 (d) [~~(e)~~] On the commission's motion, or on the
2-7 recommendation of commission staff, the commission may conduct a
2-8 hearing to inquire into a suspension. If the commission determines
2-9 that a person has not corrected the deficiencies that were the
2-10 grounds of the suspension or has not complied with the conditions
2-11 imposed by the commission, the commission may revoke or take other
2-12 disciplinary action against the person's certification,
2-13 registration, or license.

2-14 SECTION 3. This Act takes effect September 1, 2023.

2-15 * * * * *