

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION

April 10, 2023

TO: Honorable Abel Herrero, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB1747** by Leach (Relating to the consequences of a criminal conviction on a person's eligibility for an occupational license.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the review process for certain license applications excluding certain offenses from board consideration if five years have passed since the end of incarceration or conviction and would prohibit a licensing authority from determining that a conviction relates to the duties and responsibilities of the licensed occupation for the purpose of not issuing the license unless the authority finds by a preponderance of the evidence that consideration of the factors used to determine whether a conviction directly relates to an occupation supports that determination. If the decision by the licensing agency is appealed, the licensing agency has the burden of proof to provide this preponderance of evidence in an administrative hearing or judicial review hearing.

The bill would increase the complexity of criminal background checks and place a new responsibility of generating burdens of proof on the licensing agencies; however, this estimate assumes that the number of cases brought to an administrative or judicial review hearing would not be significant and that duties and responsibilities for implementing the bill's provisions can be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation, 454 Department of Insurance, 503 Texas Medical Board, 504 Texas State Board of Dental Examiners, 507 Texas Board of Nursing, 514 Optometry Board, 515 Board of Pharmacy, 578 Board of Veterinary Medical Examiners, 608 Department of Motor Vehicles

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