

BILL ANALYSIS

Senate Research Center

S.B. 1080
By: West
Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The committee substitute to S.B. 1080 makes transformational changes to occupational licensing for those persons convicted and incarcerated for various crimes to ensure that, upon release, former prison inmates are able to achieve gainful employment and occupational licensing.

S.B. 1080 first gives the Texas Department of Licensing and Regulation (TDLR) the flexibility to revoke an occupational license following felony convictions. Under current law, without regard for the nature of the felony, all occupational licenses must be revoked upon a licensee's felony conviction. By changing the "shall" in Section 53.021(b) to a "may," TDLR is given flexibility, at the agency's request, to make individual, case-by-case determinations on whether or not a license should be revoked for a felony conviction. For example, if a person who is a licensed plumber were to be convicted of felony possession of a controlled substance that did not occur on the job, that conviction may not necessarily impact their ability to do their work as a licensee. However, if a plumber were convicted of felony burglary of a habitation, because of the nature of a plumber's work, TDLR may find it appropriate to revoke a plumber's license because they are regularly inside the homes of their customers. Further, the committee substitute allows a licensing authority to issue a provisional license to an inmate who is enrolled in an educational program, including one offered by Windham School District, and who resides in a correctional facility. The committee substitute further makes the provisional license issued to an inmate valid for twelve months beginning on the date an applicant is released. These transformative reforms will help reduce recidivism and ensure that former inmates are able to become productive members of society, and not be forced to rely on entitlement programs such as a SNAP, Medicaid, etc.

S.B. 1080 amends current law relating to the revocation of an occupational license from certain license holders and the issuance of an occupational license to certain applicants with criminal convictions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.4014, Occupations Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Provides that the Texas Department of Licensing and Regulation (TDLR), notwithstanding any other law and subject to Subsection (a-1), is authorized to accept an application from an applicant who is an inmate imprisoned in the Texas Department of Criminal Justice (TDCJ) except that TDLR is prohibited from issuing the license until the applicant has been released.

(a-1) Authorizes TDLR to issue a license to an applicant who is an inmate imprisoned in TDCJ and who is enrolled in or has completed an educational program described by Section 53.0211(b-1)(2) before the applicant has been released.

SECTION 2. Amends Section 53.021, Occupations Code, by adding Subsection (a-2) and amending Subsection (b), as follows:

(a-2) Authorizes a licensing authority to revoke a license holder's license on the grounds of the license holder's imprisonment following a felony conviction.

(b) Requires that a license holder's license be revoked on the license holder's imprisonment following certain events, including a felony conviction for an offense that directly relates to the duties and responsibilities of the licensed occupation, an offense listed in Article 42A.054 (Limitation on Judge-Ordered Community Supervision), Code of Criminal Procedure, or a sexually violent offense, as defined by Article 62.001 (Definitions), Code of Criminal Procedure. Makes nonsubstantive changes.

SECTION 3. Amends Sections 53.0211, Occupations Code, by amending Subsections (b) and (c) and adding Subsections (b-1) and (h), as follows:

(b) Requires a licensing authority, notwithstanding any law other than Subsection (a) (relating to providing that Section 53.0211 (Licensing of Certain Applicants with Prior Criminal Convictions) does not apply to an applicant for a license for certain occupations) and unless the applicant has been convicted of an offense described by Section 53.021(a) (relating to authorizing a licensing authority to suspend or revoke a license, disqualify a person from receiving license, or deny to a person the opportunity to take a licensing exam if the person has been convicted of certain offenses), to issue to an otherwise qualified applicant who has been convicted of an offense the license for which the applicant applied or a provisional license under Subsection (b-1) valid for a term of six months, rather than a provisional license described by Subsection (c).

(b-1) Authorizes a licensing authority to issue a provisional license to an applicant who has been convicted of an offense, including an applicant who:

(1) is an inmate imprisoned in TDCJ or a person released on parole or mandatory supervision residing at a place described by Section 508.118 (Halfway Houses) or 508.119 (Community Residential Facilities), Government Code; and

(2) is enrolled in or has completed an education program offered by the Windham School District or an institution of higher education, as defined by Section 61.003 (Definitions), Education Code.

(c) Provides that the term of a provisional license issued to an applicant who is an inmate imprisoned in TDCJ begins on the date the applicant is released. Deletes existing text authorizing a licensing authority to issue a provisional license for a term of six months to an applicant who has been convicted of an offense.

(h) Requires TDCJ, on request of a licensing authority, to provide to the licensing authority information regarding an applicant who is an inmate imprisoned in TDCJ for purposes of determining the inmate's eligibility for a license.

SECTION 4. Amends Section 508.313(c), Government Code, as follows:

(c) Requires TDCJ, on request or in the normal course of official business, to provide information that is confidential and privileged under Subsection (a) (relating to providing that all information obtained and maintained is confidential and privileged in certain circumstances) to certain entities, including a licensing authority requesting information concerning an inmate or releasee who has submitted an application for an occupational license to the licensing authority. Makes nonsubstantive changes.

SECTION 5. Effective date: upon passage or September 1, 2025.