

BILL ANALYSIS

H.B. 1508
By: Giddings
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties have expressed a need to ensure that an applicant for an educational program that prepares an individual for issuance of an occupational license receives notice of an individual's potential ineligibility for a license due to the individual's criminal history and of the opportunity to request a criminal history evaluation letter. H.B. 1508 seeks to address this issue by requiring an entity providing such an educational program to provide that notice to applicants to and enrollees in the program.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1508 amends the Occupations Code to require an entity that provides an educational program to prepare an individual for issuance of an initial occupational license to notify each applicant to and enrollee in the educational program of the potential ineligibility of an individual who has been convicted of an offense for issuance of an occupational license on completion of the educational program, the current guidelines relating to ineligibility for a license that are issued by any licensing authority that may issue an occupational license to an individual who completes the educational program, any other state or local restriction or guideline used by such a licensing authority to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority, and the right of an individual enrolled or planning to enroll in the educational program to request a criminal history evaluation letter from a licensing authority. The bill requires the entity to provide the notice to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

H.B. 1508 makes an entity that fails to provide the notice to an individual entitled to receive the notice and whose application for an occupational license for which the educational program prepares the individual is denied because the individual has been convicted of an offense liable to the individual for the amount of any tuition paid by the individual to the entity, the amount of any application fees paid by the individual to the licensing authority, and reasonable attorney's fees and court costs. The bill establishes that it is not a defense to liability that an individual had actual knowledge of the information for which the entity is required to give notice.

EFFECTIVE DATE

September 1, 2017.