

SUBJECT: Modifying the eligibility requirements for certain occupational licenses

COMMITTEE: Corrections — favorable, without amendment

VOTE: 8 ayes — White, Allen, Bowers, Dean, Morales, Neave, Sherman,  
Stephenson

0 nays

1 absent — Bailes

SENATE VOTE: On final passage, April 11 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 2233:*

For — (*Registered, but did not testify:* Michael Barba, Texas Catholic Conference of Bishops; Pamela Brubaker, Austin Justice Coalition; Sue Gabriel, Texas Advocates for Justice; Emily Gerrick, Texas Fair Defense Project; Haley Holik, Texas Public Policy Foundation; Mia Hutchens, Texas Association of Business; Lauren Johnson, ACLU of Texas; Charlie Malouff, Texas Inmate Families Association; Mia McCord, Texas Conservative Coalition; Kathleen Mitchell, Just Liberty; Arif Panju, Institute for Justice; Carrie Simmons, Opportunity Solutions Project; Douglas Smith, Texas Criminal Justice Coalition; Jason Vaughn, Texas Young Republicans; Carl F. Hunter; Laurie Pherigo; Sandra Wolff)

Against — None

On — (*Registered, but did not testify:* Brad Bowman, Brian Francis, and Cristina Kaiser, Texas Department of Licensing and Regulation)

BACKGROUND: Occupations Code sec. 202.253 governs the grounds on which the Texas Commission of Licensing and Regulation (TCLR) or the Texas Department of Licensing and Regulation (TDLR) may refuse to admit an individual to an examination for a podiatry license or refuse to issue a license to practice podiatry to an individual, one of which includes being convicted of a felony, a crime that involves moral turpitude, or an offense

that involves amputating a foot.

Sec. 203.404 governs the grounds on which TCLR or the executive director of TDLR can discipline a licensed midwife, refuse to renew a midwife's license, or refuse to issue a license to an applicant, one of which includes being convicted of an offense involving moral turpitude.

Sec. 1305.152 governs the eligibility requirements for electrician licenses, one of which includes applicants demonstrating their honesty, trustworthiness, and integrity.

Sec. 1802.052 governs the eligibility requirements for auctioneers' licenses, one of which includes not being convicted of a felony during the five years preceding the license application date.

Sec. 802.107 requires TDLR to deny a license to or refuse to renew the license of an individual, or a controlling individual, who has pleaded guilty to, been convicted of, or received deferred adjudication for animal cruelty in Texas or any other jurisdiction in the five years before the individual's initial or renewal application. TDLR also must revoke a license that has already been issued if a breeder, or a controlling individual, pleads guilty to, is convicted of, or receives deferred adjudication for animal cruelty or neglect.

Some have suggested that Texas should revise its eligibility requirements for certain occupational licenses since the state leads the nation in the number of restrictions placed on individuals with felony convictions who work in licensed occupations.

**DIGEST:** SB 1531 would modify the eligibility requirements for certain occupational licenses.

The bill would remove the ability of the Texas Commission of Licensing and Regulation (TCLR) and the Texas Department of Licensing and Regulation (TDLR) to refuse to admit an individual to an examination for a podiatry license or refuse to issue a license to practice podiatry to an

individual on the grounds that the individual was convicted of a felony or a crime that involved moral turpitude.

SB 1531 would remove the ability of TCLR and the executive director of TDLR to discipline licensed midwives, refuse to renew midwives' licenses, or refuse to issue licenses to such individuals on the grounds that the individuals were convicted of misdemeanors involving moral turpitude or felonies.

The bill would remove the requirement that applicants for electrician licenses demonstrate their honesty, trustworthiness, and integrity and the requirement that applicants for auctioneers' licenses had not been convicted of felonies in the five years before they submitted their applications.

SB 1531 would specify that breeders' licenses would be revoked by operation of law if breeders, or controlling individuals of the breeders, pleaded guilty or no contest to, were convicted of, or received deferred adjudication for animal cruelty or neglect in Texas or any jurisdiction. Before licenses were revoked, TDLR would need to issue notices of revocation to licensed breeders stating that they or their representatives could, within 20 days of receiving the notice, submit proof to TDLR that they did not plead guilty or no contest to, were not convicted or, or did not receive deferred adjudication for animal cruelty or neglect.

The bill also would require TDLR to deny licenses to or refuse to renew licenses of individuals or controlling individuals who pleaded no contest to animal cruelty or neglect in Texas or any jurisdiction in the five years before individuals' initial or renewal applications.

The bill would take effect September 1, 2019, and would apply only to disciplinary actions taken against midwives, animal cruelty or neglect offenses committed, and applications for electrician and auctioneers' licenses submitted on or after that date.