

BILL ANALYSIS

Senate Research Center

S.B. 1750
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Criminal Justice
4/5/2007
Committee Report (Amended)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Over the last decade, legislation has been approved restricting criminal offenders from receiving various state licenses to work in various professions. Research has shown that the greatest deterrent to future crimes is meaningful full-time employment.

As proposed, S.B. 1750 authorizes licensing authorities to suspend or deny a license of a person who has been convicted of an offense that directly relates to the duties and responsibilities of the licensed occupation that was committed less than five years prior to the date the application is filed. This bill also provides that, unless the aforementioned restrictions apply to an applicant for a license, the licensing authority is required to issue a license or provisional license to the applicant. This bill requires the licensing authority to report the issuance of such a license to the appropriate supervising department, if the person is on probation or on parole.

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 53.021(a), Occupations Code, as follows:

(a) Authorizes a licensing authority to suspend or revoke an occupational license, disqualify a person from receiving an occupational license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of certain offenses, including a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation that was committed less than five years before the date the person applies for the license; an offense listed in Section 3g (prohibiting a judge from denying a person community supervision based on certain reasons), Article 42.12 (Community Supervision), Code of Criminal Procedure; or a sexually violent offense, as defined by Article 62.001 (Definitions), Code of Criminal Procedure.

SECTION 2. Amends Subchapter B, Chapter 53, Occupations Code, by adding Section 53.0211, as follows:

Sec. 53.0211. LICENSING OF CERTAIN APPLICANTS WITH PRIOR CRIMINAL CONVICTIONS. (a) Requires a licensing authority, notwithstanding any other law and unless the applicant has been convicted of an offense described by Section 53.021(a), to issue the license for which the applicant applied or a provisional license described by Subsection (b) to an otherwise qualified applicant who has been convicted of an offense.

(b) Authorizes a licensing authority to issue a provisional license for a term of six months to an applicant who has been convicted of an offense.

(c) Requires the licensing authority to revoke a provisional license if the provisional license holder commits a new offense; commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, if applicable; or violates the law or rules governing the practice of the occupation for which the provisional license is issued.

(d) Requires the licensing authority to issue the license for which the applicant originally applied to a provisional license holder on the expiration of the provisional license term if the provisional license holder does not engage in conduct described by Subsection (c).

(e) Provides that if the licensing authority revokes a provisional license under Subsection (c), the provisional license holder is disqualified from receiving the license for which the applicant originally applied.

(f) Requires an applicant who is on community supervision, mandatory supervision, or parole and who is issued a provisional license under this section to provide to the licensing authority the name and contact information of the probation or parole department to which the person reports. Requires the licensing authority to notify the probation or parole department that a provisional license has been issued and requires the probation or parole department to notify the licensing authority if the person's community supervision, mandatory supervision, or parole supervision is revoked during the term of the provisional license.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2007.

SUMMARY OF COMMITTEE CHANGES

SECTION __. Amends Section 53.002, Occupations Code, as follows:

Sec. 53.002. APPLICABILITY OF CHAPTER. Provides that this chapter (Consequences of Criminal Conviction) does not apply to certain persons and entities, including a reserve law enforcement officer, a county jailer, or a public security officer licensed or applying for a license under Chapter 1701 (Law Enforcement Officers).