

BILL ANALYSIS

Senate Research Center
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H.B. 1508
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 1508 addresses issues related to occupational licensing and barriers faced by former offenders seeking entry into trades, industries and vocations that require an occupational license. Preventable harm is caused to former offenders who are attempting to rebuild or construct positive and productive lifestyles when they learn—after spending time and resources on training and educational courses—their criminal history will or may prevent them from obtaining the occupational license needed for the jobs that they have prepared for.

Although Texas law in place since 2009 provides that a licensing authority must prepare for requestors a criminal history evaluation letter that will provide relevant information to a potential applicant on the reasons why a license may or may not be granted, this instrument is not widely known to those who would be affected (Section 53.102, Occupations Code). Texas law also requires all licensing authorities to develop and make available, upon request, guidelines that detail the impact of criminal offenses relative to job requirements and licensing restrictions (Section 53.025, Occupations Code).

In addition, state funding is often used to provide training, tools, equipment, tuition, or other resources to former offenders who have qualifying disabilities as established under federal law. But vocational, educational, and training program providers readily accept funding, knowing or not knowing that students who receive these funds may not be eligible for state licensure. H.B. 1508 provides an effective solution to bridge this frustrating and wasteful information gap.

H.B. 1508:

Requires all entities that provide educational or instructional programs that prepare a student for an occupation or vocation that requires a Texas occupational license to inform the student or program participant that their eligibility for an occupational license could be impacted by the student's criminal history.

Requires the program provider to notify the student that the applicable state licensing agency is responsible for having in place guidelines regarding an applicant's criminal history and to include information on an applicant's ability to be licensed under those guidelines. The applicant is also to be provided information on other state or local restrictions that would impact the applicant's eligibility for an occupational license issued by the agency.

Requires the educational or program provider to inform the student of the student's right to request a criminal history evaluation letter from the applicable licensing agency.

Requires the educational or program operator to provide all applicants who enroll in their program with notice of the provisions described above, whether or not the applicant has been convicted of a criminal offense.

In addition, an educational entity or training program operator who fails to provide the information contained under this Act to a person who is enrolled in their course will be civilly liable for tuition or application fees paid by the student who is denied an occupational license due to the existence of a criminal conviction.

H.B. 1508 amends current law relating to notice to applicants to and enrollees in certain educational programs regarding the consequences of a criminal conviction on eligibility for an occupational license.

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 Chapter 53, Occupations Code, by adding Subchapter E, as follows:

SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

Sec. 53.151. DEFINITIONS. Defines "licensing authority" and "occupational license."

Sec. 53.152. NOTICE BY ENTITIES PROVIDING EDUCATIONAL PROGRAMS. (a) Requires 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:

(1) 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;

(2) the current guidelines issued under Section 53.025 (Guidelines) by any licensing authority that may issue an occupational license to an individual who completes the educational program;

(3) any other state or local restriction or guideline used by a licensing authority described by Subdivision (2) to determine the eligibility of an individual who has been convicted of an offense for an occupational license issued by the licensing authority; and

(4) the right of an individual enrolled or planning to enroll in the educational program to request a criminal history evaluation letter under Section 53.102 (Request for Criminal History Evaluation Letter).

(b) Requires the entity to provide the required notice to each applicant and enrollee regardless of whether the applicant or enrollee has been convicted of an offense.

Sec. 53.153. CIVIL LIABILITY. (a) Provides that an entity that fails to provide the notice required by Section 53.152 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 is liable to the individual for certain fees and costs.

(b) Provides 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 under Section 53.152.

SECTION 2. Provides that Section 53.152, Occupations Code, as added by this Act, applies only with respect to an individual who is enrolled in an educational program subject to that section on or after the effective date of this Act and to an applicant for enrollment in an educational program subject to that section who applies for enrollment in the program on or after that date.

SECTION 3. Makes application of Section 53.153, Occupations Code, as added by this Act, prospective, regarding a cause of action brought by an individual entitled to notice under Section 53.152, Occupations Code, as added by this Act.

SECTION 4. Effective date: September 1, 2017.