

BILL ANALYSIS

C.S.H.B. 4214
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Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

There have been calls to revise the eligibility of inmates of the Texas Department of Criminal Justice for certain occupational licenses and the practice of certain occupations. C.S.H.B. 4214 makes these revisions.

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 rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 2 of this bill.

ANALYSIS

C.S.H.B. 4214 amends the Occupations Code to exempt a person who performs air conditioning and refrigeration-related work, electrical work, barbering, or cosmetology as an inmate in the Texas Department of Criminal Justice as part of a reentry program or under supervision acceptable to the Texas Department of Licensing and Regulation (TDLR) from the Air Conditioning and Refrigeration Contractor License Law, the Texas Electrical Safety and Licensing Act, and statutory provisions regulating barbers and cosmetologists, as applicable.

C.S.H.B. 4214 authorizes the Texas Commission of Licensing and Regulation to adopt rules authorizing the issuance of a license under those provisions to an applicant who is an inmate of TDCJ.

C.S.H.B. 4214 revises the alternative means by which a person who was imprisoned may qualify for a license issued by TDLR as follows:

- removes the qualification that the person previously held a license of the same type for which the person is applying and the license was revoked by a licensing authority; and
- with respect to the qualification regarding the inmate's conduct and actions while imprisoned:
 - removes the condition that the person must maintain a record of good behavior; and
 - changes the condition that the person perform work in the applicable occupation on a regular basis to a condition that the person perform work under supervision acceptable to TDLR in the applicable occupation.

C.S.H.B. 4214 removes the exemption from statutory provisions relating to barbers for a person who is an inmate in the institutional division of TDCJ and performs barbering during the

person's incarceration but does not represent or advertise to the public directly or indirectly that the person is authorized by TDLR to practice barbering.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4214 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include the provision that appeared in the original authorizing the Texas Commission of Licensing and Regulation (TCLR) or the executive director of the Texas Department of Licensing and Regulation (TDLR) to issue a restricted license to an applicant incarcerated in the Texas Department of Criminal Justice (TDCJ) for a license under the Air Conditioning and Refrigeration Contractor License Law or the Texas Electrical Safety and Licensing Act.

Instead, the substitute includes the following provisions, none of which appeared in the original:

- exemptions for inmates in TDCJ who perform air conditioning and refrigeration-related work, electrical work, barbering, or cosmetology as part of a reentry program or under supervision acceptable to TDLR from the Air Conditioning and Refrigeration Contractor License Law, the Texas Electrical Safety and Licensing Act, and statutory provisions regulating barbers and cosmetologists, as applicable;
- an authorization for TCLR to adopt rules authorizing the issuance of a license under those provisions to an applicant who is an inmate of TDCJ;
- a provision removing the exemption for an inmate in the institutional division of TDCJ who performs barbering but does not represent or advertise to the public directly or indirectly that the person is authorized by TDLR to practice barbering from statutory provisions relating to barbers; and
- revisions to the alternative means of qualifying for a license issued by TDLR for a person who is imprisoned.

The substitute includes a caption change.