

BILL ANALYSIS

Senate Research Center
83R3178 MAW-F

H.B. 798
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Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, individuals convicted of Class C misdemeanors are often denied occupational licenses under Chapter 53 (Consequences of Criminal Conviction), Occupations Code. The maximum punishment of a Class C misdemeanor is a \$500 fine and no jail time. The denial of a license removes any possibility of practicing certain occupations regardless of training and experience such as water well drillers, auctioneers, and surveyors.

H.B. 798 excludes the possibility of license ineligibility, license ineligibility, revocation, or suspension for those previously convicted of a low-level Class C misdemeanor. This change will increase employment opportunities for those convicted of a Class C misdemeanor and decrease recidivism. It also increases the applicant pool of skilled labor for Texas employers.

H.B. 798 amends current law relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who has been convicted of a Class C misdemeanor.

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 a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense, other than an offense punishable as a Class C misdemeanor, that:

- (1) directly relates to the duties and responsibilities of the licensed occupation;
- (2) does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license;
- (3) is listed in Section 3g (Limitation on Judge Ordered Community Supervision), Article 42.12, Code of Criminal Procedure; or
- (4) is a sexually violent offense, as defined by Article 62.001 (Definitions), Code of Criminal Procedure.

Makes nonsubstantive changes.

SECTION 2. Provides that the change in law made by this Act applies to an application for, or a disciplinary proceeding regarding, a license or other authorization that is pending with a licensing authority on the effective date of this Act or an application filed or a disciplinary proceeding commenced on or after that date.

SECTION 3. Effective date: September 1, 2013.