

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1217
By: Alvarado
Criminal Justice
4/24/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1217 limits what state licensing boards can take into consideration as criminal activity, as laid out in section 53.023 of the Occupations Code.

Section 53.023 of the Occupations Code dictates that, in determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority shall consider the extent and nature of the person's past criminal activity. Criminal activity is left undefined in the statute, leaving open the possibility for licenses to be denied or revoked on the basis of arrests without attendant criminal convictions.

As false arrests can and do happen, it is necessary that we prevent these arrests from putting professional potentials in jeopardy.

S.B. 1217 prevents state licensing boards from taking into account arrests without an attendant criminal conviction.

Rulemaking Authority

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Analysis

SECTION 1. Amends Subchapter B, Chapter 53, of the Occupations Code by adding a new section. The new Section 53.0231 adds a provision that a licensing authority may not consider an arrest that did not result in a conviction in the licensing process. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1217 amends current law relating to the consideration of certain arrests in determining an applicant's 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 Subchapter B, Chapter 53, Occupations Code, by adding Section 53.0231, as follows:

Sec. 53.0231. LIMITATION REGARDING CONSIDERATION OF CERTAIN ARRESTS. Prohibits a licensing authority, for purposes of determining a person's fitness to perform the duties and discharge the responsibilities of the licensed occupation, from considering an arrest that did not result in the person's conviction or placement on deferred adjudication community supervision.

SECTION 2. Effective date: upon passage or September 1, 2019.