

AN ACT

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.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 53, Occupations Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. NOTICE OF POTENTIAL INELIGIBILITY FOR LICENSE

Sec. 53.151. DEFINITIONS. Notwithstanding Section 53.001, in this subchapter, "licensing authority" and "occupational license" have the meanings assigned to those terms by Section 58.001.

Sec. 53.152. NOTICE BY ENTITIES PROVIDING EDUCATIONAL PROGRAMS. (a) An entity that provides an educational program to prepare an individual for issuance of an initial occupational license shall 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 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

1 used by a licensing authority described by Subdivision (2) to
2 determine the eligibility of an individual who has been convicted
3 of an offense for an occupational license issued by the licensing
4 authority; and

5 (4) the right to request a criminal history evaluation
6 letter under Section 53.102.

7 (b) The entity shall provide the notice required under
8 Subsection (a) to each applicant and enrollee regardless of whether
9 the applicant or enrollee has been convicted of an offense.

10 Sec. 53.153. REFUND AND ORDERED PAYMENTS. A licensing
11 authority that determines that an entity regulated by the licensing
12 authority has failed to provide the notice required by Section
13 53.152 to an individual entitled to receive the notice and that the
14 individual's application for an occupational license for which the
15 entity's educational program prepares the individual was denied
16 because the individual has been convicted of an offense shall order
17 the entity to:

18 (1) refund the amount of any tuition paid by the
19 individual to the entity; and

20 (2) pay to the individual an amount equal to the total
21 of the following, as applicable:

22 (A) the amount of any application fees paid by
23 the individual to the licensing authority; and

24 (B) the amount of any examination fees paid by
25 the individual to the licensing authority or an examination
26 provider approved by the licensing authority.

27 SECTION 2. Section 53.152, Occupations Code, as added by

1 this Act, applies only with respect to:

2 (1) an individual who is enrolled in an educational
3 program subject to that section on or after the effective date of
4 this Act; and

5 (2) an applicant for enrollment in an educational
6 program subject to that section who applies for enrollment in the
7 program on or after that date.

8 SECTION 3. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 1508 was passed by the House on April 13, 2017, by the following vote: Yeas 131, Nays 7, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1508 on May 26, 2017, by the following vote: Yeas 134, Nays 7, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1508 was passed by the Senate, with amendments, on May 24, 2017, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor