

[2019 Session] Eliminate Occupational Licensing Barriers that Prevent Work-Ready Individuals from Finding Gainful Employment and Rebuilding Their Lives

Policy Background

Nearly 70,000 men and women reenter Texas communities after prison each year,¹ and many face significant hurdles to employment, especially licensed professions. Texas requires occupational licenses for more than 25 percent of professions, but automatic exclusions and vague disqualifying criteria for people with criminal records pose barriers to licensure. More specifically, licensing boards may disqualify people from receiving a license if they have been convicted of *any* offense within the last five years – regardless of whether that offense is in any way pertinent to the occupation. Licensing authorities can additionally disqualify people for a license if a past offense does “directly relate” to the occupation (although that is a subjective standard), and they can point to vague and arbitrary standards like “moral character” when denying a license. Also problematic, current policy makes it overly complicated for people to provide evidence of rehabilitation to show that they have put past mistakes behind them.² Collectively, these factors can lead to an economic death sentence, creating more instability for returning individuals and their families – forcing them into social welfare programs or back into crime.

While it is critical to give people with a criminal history more opportunities to find employment and become economically stable, it is also important to provide employers with a growing candidate pool to keep Texas’ workforce and economy strong and vibrant.

Proposed Solution

(1) Prohibit licensing boards from disqualifying an applicant whose offense history does not “directly relate” to the occupation being considered; clearly and narrowly define how an offense does “directly relate” to an occupation; and eliminate vague “moral character” standards. (2) Allow applicants to dispute incorrect criminal records or

provide evidence of mitigating factors prior to the denial of a license. (3) Require licensing boards to provide clear guidance to applicants who are denied a license about what they can do to improve their future chances of approval.

Relevant Bill

- **Bill Number:** [HB 1342](#) [Leach, Allen, Toth, Jarvis Johnson, Rose | Sponsor: Hinojosa]
Bill Caption: Relating to a person's eligibility for an occupational license; providing an administrative penalty.
House Hearing Notice: [Corrections, April 4, 2019](#)
TCJE House Action: [Testimony in support](#)
House Hearing Video: [Corrections, 4/4/19](#)
Signed by the Governor; effective on 9/1/2019
- **Bill Number:** [SB 523](#) [Hinojosa]
Bill Caption: Relating to the consequences of a criminal conviction on a person's eligibility for an occupational license.
Senate Hearing Notice: [Business & Commerce, April 30, 2019](#)
TCJE Senate Action: [Testimony in support](#)
Senate Hearing Video: [Business & Commerce, 4/30/19](#)

Other Bills Related to Occupational Licenses or Workforce Development

- **Bill Number:** [HB 495](#) [Deshotel]
Bill Caption: Relating to the consideration of criminal history record information regarding applicants for employment.
House Hearing Notice: [Business & Industry, April 2, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Business & Industry, 4/2/19](#)
- **Bill Number:** [HB 574](#) [Dutton]
Bill Caption: Relating to the consequences of successfully completing a period of deferred adjudication community supervision.
House Hearing Notice: [Corrections, March 14, 2019](#)
TCJE House Action: [Testimony in support](#)
House Hearing Video: [Corrections, 3/14/19](#)

- **Bill Number:** **HB 918** [White; Yvonne Davis; Sherman, Sr. | Sponsor: Johnson]
Bill Caption: Relating to providing discharged or released inmates with certain documents, including documents to assist the inmate in obtaining employment.
House Hearing Notice: [Corrections, March 21, 2019](#)
TCJE House Action: [Testimony in support](#)
House Hearing Video: [Corrections, 3/21/19](#)
Senate Hearing Notice: [Criminal Justice, May 15, 2019](#)
TCJE Senate Action: [Card in support](#)
Senate Hearing Video: [Criminal Justice, 5/15/19](#)
Signed by the Governor; effective on 1/1/2020
- **Bill Number:** **HB 1377** [Dutton]
Bill Caption: Relating to the creation of a commission to review certain laws of this state that restrict the rights or activities of persons convicted of a felony offense and to make certain recommendations regarding those laws.
House Hearing Notice: [Corrections, March 14, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Corrections, 3/14/19](#)
- **Bill Number:** **HB 1621** [White, Morales]
Bill Caption: Relating to the establishment of a public junior college district by the Texas Department of Criminal Justice.
House Hearing Notice: [Corrections, April 4, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Corrections, 4/4/19](#)
- **Bill Number:** **HB 1669** [Lucio III | Sponsor: Lucio]
Bill Caption: Relating to increasing and improving the mental health and substance use disorder workforce in this state and increasing the capacity of local mental health authorities to provide access to mental health services in certain counties.
House Hearing Notice: [Public Health, April 10, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Public Health, 4/10/19](#)
Senate Hearing Notice: [Health & Human Services, May 15, 2019](#)
TCJE Senate Action: [Card in support](#)
Senate Hearing Video: [Health & Human Services, 5/15/19](#)
- **Bill Number:** **HB 2232** [Reynolds]
Bill Caption: Relating to the consequences of a criminal conviction on a person's eligibility for an occupational license.

- **Bill Number:** [HB 2233](#) [White]
Bill Caption: Relating to the eligibility for certain occupational licenses and the use of a person's criminal history as grounds for certain actions related to the license.
House Hearing Notice: [Corrections, March 21, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Corrections, 3/21/19](#)
- **Bill Number:** [HB 2448](#) [Reynolds, White]
Bill Caption: Relating to a strategic plan to reduce recidivism by facilitating stable employment for persons who are preparing to reenter communities of this state after incarceration.
House Hearing Notice: [Corrections, March 21, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Corrections, 3/21/19](#)
- **Bill Number:** [HB 2784](#) [Phelan; Romero, Jr.; Blanco; Burrows; Israel | Sponsor: Alvarado]
Bill Caption: Relating to the creation of the Texas Industry-Recognized Apprenticeship Programs Grant Program.
House Hearing Notice: [International Relations & Economic Development, April 8, 2019](#)
House Hearing Video: [International Relations & Economic Development, 4/8/19](#)
Senate Hearing Notice: [Business & Commerce, May 16, 2019](#)
TCJE Senate Action: [Card in support](#)
Senate Hearing Video: [Business & Commerce, 5/16/19](#)
Signed by the Governor; effective on 9/1/2019
- **Bill Number:** [HB 3511](#) [VanDeaver, Anchia, Senfronia Thompson, Murphy, Lozano | Sponsor: Alvarado]
Bill Caption: Relating to the creation of the Commission on Texas Workforce of the Future.
House Hearing Notice: [International Relations & Economic Development, April 8, 2019](#)
House Hearing Video: [International Relations & Economic Development, 4/8/19](#)
Senate Hearing Notice: [Education, May 16, 2019](#)
TCJE Senate Action: [Card in support](#)
Senate Hearing Video: [Education, 5/16/19](#)
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- **Bill Number:** [HB 3818](#) [Lozano]
Bill Caption: Relating to the establishment of the work-based learning task force.
House Hearing Notice: [Public Education, April 16, 2019](#)
TCJE House Action: [Card in support](#)
House Hearing Video: [Public Education, 4/16/19](#)
- **Bill Number:** [SB 429](#) [Lucio | Sponsor: Lucio III]
Bill Caption: Relating to a comprehensive plan for increasing and improving the workforce in this state to serve persons with mental health and substance use issues.
Senate Hearing Notice: [Health & Human Services, April 10, 2019](#)
TCJE Senate Action: [Card in support](#)
Senate Hearing Video: [Health & Human Services, 4/10/19](#)
- **Bill Number:** [SB 461](#) [Johnson]
Bill Caption: Relating to providing certain discharged or released inmates with documentation to assist in obtaining employment.
- **Bill Number:** [SB 1217](#) [Alvarado]
Bill Caption: Relating to the consideration of certain arrests in determining an applicant's eligibility for an occupational license.
Senate Hearing Notice: [Criminal Justice, April 24, 2019](#)
Senate Hearing Video: [Criminal Justice, 4/24/19](#)
House Hearing Notice: [Corrections, May 16, 2019](#)
House Hearing Video: [Corrections, 5/16/19](#)
- **Bill Number:** [SB 1355](#) [Powell]
Bill Caption: Relating to the establishment of the work-based learning task force.
Senate Hearing Notice: [Natural Resources & Economic Development, May 1, 2019](#)
TCJE Senate Action: [Card in support](#)
Senate Hearing Video: [Natural Resources & Economic Development, 5/1/19](#)
- **Bill Number:** [SB 1531](#) [Hancock | Sponsor: White]
Bill Caption: Relating to the eligibility for certain occupational licenses and the use of a person's criminal history as grounds for certain actions related to the license.
Senate Hearing Notice: [Business & Commerce, March 26, 2019](#)
TCJE Senate Action: [Card in support](#)

Senate Hearing Video: [Business & Commerce, 3/26/19](#)

Signed by the Governor; effective on 9/1/2019

- **Resolution Number:** [HR 387](#) [Reynolds]

Resolution Caption: Expressing support for full reinstatement of Project Re-Integration of Offenders.

House Hearing Notice: [Corrections, March 21, 2019](#)

TCJE House Action: [Testimony in support](#)

House Hearing Video: [Corrections, 3/21/19](#)

Other Materials

- Policy Brief: [Need Not Apply: How Occupational Licensing Authorities Unfairly Lock Out People with Criminal Histories from Growing Professions](#) [February 2019, authored by Megan French-Marcelin, Ph.D., on behalf of the Texas Smart-On-Crime Coalition]
- Texas Smart-On-Crime Coalition 1-Pager: [Occupational Licensing Reform](#) [2019]

¹ Texas Department of Criminal Justice, *FY 2017 Statistical Report*, 3.

² Maurice Emsellem, *Fair Chance Hiring: Reducing Criminal Records Barriers to Employment Improves Public Safety and Builds Stronger Communities*, 2014.

See *also*: Texas Occupations Code §53.021 – §53.023.