



Doug Smith, Senior Policy Analyst

(512) 441-8123, ext. 102

DSmith@TexasCJC.org

www.TexasCJC.org

IMPLEMENTATION GUIDE

HB 1342

Guide for People with Criminal Records

People with Criminal Histories are More Likely to Be Approved for Licensed Occupations

HB 1342 (Authors: Leach, Allen, Toth, Jarvis Johnson, Rose | Sponsor: Hinojosa): Relating to a person's eligibility for an occupational license; providing an administrative penalty. – Effective September 1, 2019

IF YOU EVER CONSIDERED GETTING AN OCCUPATIONAL LICENSE IN TEXAS, YOU MAY HAVE RUN INTO CHALLENGES

Texas requires occupational licenses for more than 25 percent of professions – impacting one in three working Texans and creating especially difficult barriers for the four in ten Texans who have an arrest or conviction record.¹

But automatic denials, vague disqualifying criteria, and broad criminal record inquiries have made occupational licensure difficult to obtain for many people with a criminal record.²

Furthermore, many people with criminal histories hear about others getting denied licenses for decades-old convictions or arrests that do not relate to the occupation. The result, then, is that many people do not even try to apply.

According to the Texas Department of Licensing and Regulation, **only about 500 people with criminal records submit requests for a criminal history evaluation letter each year**, the first step toward determining if their record will prevent them from entering one of Texas' 41 licensed occupations.³ To give you a sense of just how small that number is, the agency receives 600,000 application for new licenses or renewals every year!

NEW TEXAS LEGISLATION CAN HELP YOU OVERCOME CHALLENGES TO LICENSURE

[House Bill 1342](#) went into effect on September 1, 2019. It does several things to provide more opportunities for people with criminal histories.

1. The bill tells licensing agencies to use their authority to deny licenses based on criminal records **as little as possible**.
2. The bill very **narrowly defines what it means for a past offense to "relate" to an occupation**. One reason people have been denied a license due to a criminal history is because the licensing authority believed that the offense related to the occupation – like when someone with a financial crime applies for a license in banking. HB 1342 will do more to limit instances of a person being denied licensure due to an unrelated past offense.

Goals of HB 1342

1. Reduce the number of people denied an occupational licensing opportunity due to their criminal history.
2. Increase the number of people with criminal records pursuing careers in licensed occupations.

3. The bill requires the licensing agency to give applicants the **specific reasons they were denied**. This will help each applicant understand what they need to do to improve their chances of licensure when they appeal or apply at a later date.
4. The bill requires the State Auditor's Office to assist licensing authorities by providing **guidance to increase their approval rate** for people with criminal records.

STEP YOU SHOULD TAKE IN LIGHT OF HB 1342

If you have a criminal record, visit the website for your desired occupational license, and locate and complete the criminal history evaluation. The licensing board is required to issue an individualized evaluation letter within 90 days. If the board says you are eligible, it means you can start training for your new career.

Do not assume that you are not eligible for licensure, even if someone with your same offense was denied. Under HB 1342, licensing boards are now required to consider factors that are specific to each applicant:

- The extent and nature of the applicant's past criminal activity
- The applicant's age at the time of their past offense
- The length of time since the applicant's last offense
- The conduct or work that the applicant engaged in before and after the criminal activity
- Evidence of an applicant's rehabilitation, or rehabilitative efforts undertaken while incarcerated or after release
- Evidence of compliance with community supervision, parole, or mandatory supervision
- Other evidence, including letters of recommendation

REMEMBER: If you are denied or determined to be ineligible for licensure, you can ask for an appeal or review.

Also, you can also share your story with us. We want to make sure that licensing agencies are increasing access to skilled professions, not standing in people's way. Learning more about people's experiences will help us continue to fight for better opportunities for people who want to get back to work.

¹ Maurice Emsellem, *Fair Chance Hiring: Reducing Criminal Records Barriers to Employment Improves Public Safety and Builds Stronger Communities*, 2014, <https://law.utexas.edu/wp-content/uploads/sites/27/Fair-Chance-Hiring-Presentation-by-Maurice-Emsellem.pdf>.

See also: Texas Occupations Code §53.023.

² Texas Occupations Code, Chapter 53, Consequences of Criminal Conviction.

³ Data obtained from Texas Department of Licensing and Regulation, September 2019.