



Occupational Licensing Reform Will Improve Economic Opportunity & Decrease Recidivism

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 Automatic exclusions, vague disqualifying criteria, and broad criminal record inquiries have made occupational licensure difficult to obtain for individuals with criminal records.²



Providing stable and meaningful employment for people with a criminal record will promote economic stability, keep communities safe by reducing recidivism, and contribute to strong families. Occupational licensing reform will also increase the number of qualified workers, helping Texas maintain its vibrant economy.



Key Findings in Current Texas Policy

- Licensing boards may revoke a license or 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 in consideration.³ This restricts liberty and economic growth without being substantially tied to public safety goals.
- People can be disqualified for a license if a past offense “directly relates” to the occupation – a subjective standard often left to the discretion of the licensing authority,⁴ and often resulting in government overreach. Moreover, licensing authorities lean on vague and arbitrary standards like “moral character” when considering licensing eligibility – a result of Texas’ lack of statewide policy emphasizing the need to maximize economic opportunities for people with criminal records.
- It is overly complicated for people to provide evidence of rehabilitation to a licensing authority when attempting to show that they have put past mistakes behind them.⁵
- Current standards, and licensing authorities’ overreach in applying them, cause people with a criminal record to be denied entry into occupations for which they are qualified, without a clear nexus to protecting public safety. For example, the Texas Department of Licensing and Regulation licenses 41 occupations, yet 60 percent of people deemed ineligible for licensure due to criminal history in 2017 were considering careers in barbering or cosmetology.⁶



Recommendations

- Create a state policy instructing licensing boards to maximize their authority to grant licenses to qualified applicants who have put their past mistakes behind them.
- Prohibit licensing boards from disqualifying an applicant when his or her offense history does not “directly relate” to the occupation being considered.
- Clearly and narrowly define whether an offense “directly relates” to the occupation and eliminate vague “moral character” standards.
- Give applicants the opportunity to dispute incorrect criminal records or provide evidence of mitigating factors prior to denial of a license.
- 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.

Endnotes

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 Texas Occupations Code §53.021

⁴ Maurice Emsellem, *Fair Chance Hiring*

⁵ Texas Occupations Code §53.021

⁶ Texas Department of Licensing and Regulation, Data Request Received November, 2018.