

TEXAS OCCUPATIONS CODE
TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING
CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION
SUBCHAPTER B. INELIGIBILITY FOR LICENSE

TOC, §53.021. AUTHORITY TO REVOKE, SUSPEND, OR DENY LICENSE.

- (a) Subject to Section [53.0231](#), a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of:
 - (1) an offense that directly relates to the duties and responsibilities of the licensed occupation;
 - (2) an offense listed in Article [42A.054](#), Code of Criminal Procedure; or
 - (3) a sexually violent offense, as defined by Article [62.001](#), Code of Criminal Procedure.
- (a-1) Subsection (a) does not apply to a person who has been convicted only of an offense punishable as a Class C misdemeanor unless:
 - (1) the person is an applicant for or the holder of a license that authorizes the person to possess a firearm; and
 - (2) the offense for which the person was convicted is a misdemeanor crime of domestic violence as that term is defined by 18 U.S.C. Section 921.
- (b) A license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.
- (c) Except as provided by Subsections (d) and (e), notwithstanding any other law, a licensing authority may not consider a person to have been convicted of an offense for purposes of this section if, regardless of the statutory authorization:
 - (1) the person entered a plea of guilty or nolo contendere;
 - (2) the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and
 - (3) at the end of the period of supervision, the judge dismissed the proceedings and discharged the person.
- (d) A licensing authority may consider a person to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the person was discharged as described by Subsection (c) if:
 - (1) the person was charged with:
 - (A) any offense described by Article [62.001](#)(5), Code of Criminal Procedure; or
 - (B) an offense other than an offense described by Paragraph (A) if:

- (i) the person has not completed the period of supervision or the person completed the period of supervision less than five years before the date the person applied for the license; or
 - (ii) a conviction for the offense would make the person ineligible for the license by operation of law; and
 - (2) after consideration of the factors described by Sections [53.022](#) and [53.023\(a\)](#), the licensing authority determines that:
 - (A) the person may pose a continued threat to public safety; or
 - (B) employment of the person in the licensed occupation would create a situation in which the person has an opportunity to repeat the prohibited conduct.
- (e) Subsection (c) does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide:
 - (1) law enforcement or public health, education, or safety services; or
 - (2) financial services in an industry regulated by a person listed in Section [411.0765\(b\)\(18\)](#), Government Code.