

Sec. 1-9. Procedures for denial, suspension or revocation of licenses, and permits, and registrations—Generally.

No permit or license authorizing a person to engage in a trade, occupation, vocation, profession or business, shall be denied, suspended or revoked on the grounds that the applicant, permittee, or licensee has been convicted of a criminal offense except under the following procedures:

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- (g) Proceedings relating to registrations issued under article XIV of chapter 28 of this Code shall additionally be governed by the procedures established in this section. Applicants for registration under article XIV of Chapter 28 of this Code who are denied such registration on the basis of one or more criminal convictions shall be considered applicants for purpose of this section, and those receiving registration under article XIV of Chapter 28 of this Code later found subject to revocation or suspension of that registration on the basis of one or more criminal convictions for themselves or their employee(s) shall be considered licensees/permittees for purposes of this section.

Sec. 1-10. Same—Specific permits, and licenses, and registrations.

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(b) The authorizations enumerated in this subsection shall be denied if the applicant has been convicted of any of the designated offenses within the five-year period immediately preceding the date of the filing of the application or has spent time in jail or prison during the five-year period immediately preceding the date of the filing of the application for such a conviction. Additionally the following authorizations shall be subject to denial, revocation, or refusal for renewal, as applicable, if the holder has been convicted of any of the designated offenses since the application was filed. Provided however, no such authorization shall be denied, revoked or refused for renewal if the conviction was set aside as invalid or if it is found that the authorization should not be denied, revoked or refused for renewal under chapter 53 of the Texas Occupations Code:

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- (6) Registrations for boarding homes and boarding home operators issued pursuant to chapter 28, article XIV of this Code:
- a. Any offense involving fraud or theft;
 - b. Any offense involving forgery;
 - c. Any violation of state or federal laws regulating firearms;

- d. Any offense involving the possession, use of or sale of drugs except for conduct that is classified as no greater than a Class C misdemeanor under the laws of this state;
- e. Any offense involving prostitution or the promotion of prostitution;
- f. Any offense involving rape, sexual abuse, sexual assault, rape of a child, sexual abuse of a child or indecency with a child;
- g. Any other felony offense listed under Title 5 to the Texas Penal Code.

The above listed offenses shall be grounds for the denial, revocation or nonrenewal of authorizations issued under article XIV of chapter 28, as enumerated, because the authorizations thereunder allow persons to engage in businesses and occupations in which there is a high degree of danger to the elderly, the disabled, and members of the general public through the operation of boarding homes. Such activities involve the operation of boarding homes and providing direct personal assistance and services in a closed facility to disabled and elderly individuals who cannot fend for themselves; such assistance and services include lodging, meal preparation, light housework, transportation, grocery shopping, money management, and assistance with self-administration of medication. Providing these services affords special opportunities for theft, fraud, personal and sexual abuse, assault, transportation related offenses and injuries, misuse and theft of drugs, assault with a deadly weapon, and other crimes traditionally committed against the infirm and the defenseless. Therefore, there is a serious need to protect the individuals housed in these facilities and members of the general public from the types of criminal conduct represented by such offenses.

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Sec. 1-15. Conducting national criminal background checks.

(a) This section applies to the following licenses, permits or authorizations or renewals thereof:

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- (10) Registrations for boarding homes issued pursuant to article XIV of chapter 28 of this Code.