

Statutory Restrictions on Convicted Felons In Texas

Current through the 77th Legislature, 2001



FRIENDS OF THE STATE LAW LIBRARY

March 2002
Austin, Texas



THE TEXAS STATE LAW LIBRARY

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THE FRIENDS OF THE STATE LAW LIBRARY

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STATE OF TEXAS

Statutory Restrictions on Convicted Felons

Current through the 77th Legislature, 2001



Compiled by
Catherine K. Harris,
Law Librarian, State Law Library

in consultation with

Jeffrey L. Van Horn, J.D.
Office of the State Prosecuting Attorney

for

THE FRIENDS OF THE STATE LAW LIBRARY

1992 - 2002

Celebrating Ten Years

March 2002
Austin, Texas

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PREFACE

There is an old saying: "If you do the crime, you will do the time," but time in prison may not be the only consequence of a felony conviction. The other "pains and penalties" are not always found in the Texas Penal Code, but are scattered throughout the various codes and statutes of the state. They are not easily located, even by an experienced legal researcher.

Sparked by an inquiry from Austin Public Library, reference staff at the State Law Library in Austin began the tedious research of restrictions on convicted felons other than the prison terms specified by law (see Texas Penal Code, Sections 12.32-35). Jeffrey L. Van Horn of Austin, an outstanding attorney who is First Assistant State's Attorney in the Office of the State Prosecuting Attorney, and Catherine Harris of the State Law Library, have produced an excellent reference publication entitled *Statutory Restrictions on Convicted Felons*.

A review of the publication reflects restrictions ranging from the state constitution provision that "equal rights" do not apply to convicted felons to prohibitions against obtaining or retaining professional licenses or occupational permits, and to other little known restrictions found in the various codes of the state. A well-organized index will prove helpful to the interested reader.

This publication will be of immense value to public libraries, public schools, the news media, the legal profession and many other organizations. We are indebted to the two compilers and to The Friends of the State Law Library for its support of the publication of this valuable research tool for the inquiring citizens of Texas.

John F. Onion, Jr.
Presiding Judge (Retired)
Texas Court of Criminal Appeals

INTRODUCTION

As noted by Judge John F. Onion, the impetus for this publication was an inquiry from the Austin Public Library. Finding no such list of restrictions on felons available for reference, staff at the State Law Library set about compiling such a list. Aided by CALR (computer assisted legal research), and in consultation with a knowledgeable attorney, Jeffrey L. Van Horn, Law Librarian Catherine Harris examined the many Texas statutes referring to "felons" or "felony." The result was this list of over 165 statutes and court rules.

The terms "felon" and "conviction of a felony" vary by context and the user is cautioned that felony restrictions may vary by nature of the conviction. Whether a conviction is subject to a particular statute may be determined not only by the language of the statute, but also by court interpretation of that language. For example, a convicted felon whose conviction has been "set aside" pursuant to Texas Code of Criminal Procedure, Art. 42.12, Section 20, is not prohibited by Texas Penal Code, Sec. 46.04, from possessing a firearm. However, that same person is disqualified to be a county jailer or peace officer because of the definition contained within the Texas Occupations Code, Sec. 1701.312. Legal interpretation should be sought from a competent attorney.

The entries in this list begin with the Texas Constitution, followed by the Texas codes, the revised civil statutes, and finally, court rules. For the uninitiated, Texas laws currently are arranged in two parts: the codes (compilations of laws on the same subject) and the civil statutes. Since the early 1960's, the Texas Legislature has authorized a more detailed codification of Texas statutes, resulting in the periodic passage of various codes such as the Agriculture Code, the Alcoholic Beverage Code, the Education Code, the Election Code, etc. These codes, presumably, bring together all the laws on that subject----laws that may have been scattered in various places throughout the civil statutes prior to the enactment of the code.

While not changing the substance of the law, this authorized "statutory revision" does change the title, chapter and section numbers of the laws. Therefore, the researcher must be alert to this ongoing project. Some peculiarities arise in locating statutes. For example, the law that restricts felons from serving as an executor of an estate is currently in the Probate Code which is found in the "revised civil statutes." The Probate Code, while it is a separate code, still appears as part of the set of civil statutes. The Insurance Code and the Business Corporation Act are also still found within the civil statutes.

With some of the statutes listed, the user would benefit from having at hand a set of the complete codes and civil statutes for Texas. The language of a section cited here may be clarified by a reading of the full section, or, in some entries, there may be a reference to another code. The Texas statutes are available on the Internet at www.capitol.state.tx.us. They are current, as of summer 2002, through the 2001 session of the Texas Legislature. In a few entries there are references to case law or to attorney general opinions. These sources are available in research law libraries. Opinions of the Texas Attorney General can also be found through the web site for the Office of the Attorney General, www.oag.state.tx.us.

The compilers hope that this list will be useful to many who have need of this information: those who work with youth (teachers, counselors, librarians); human resource officers; attorneys, legal assistants and others in the area of law and law enforcement. We are responsible for all errors and welcome comments and suggestions. As new laws are passed and old laws modified, we hope to provide a biennial update following each legislative session.

Our thanks go to the State Law Library, currently directed by Tony Estrada, and to the Friends of the State Law Library, the Board, and President, David B. Brooks. This compilation was made possible with their support.

Catherine K. Harris
Jeffrey L. Van Horn

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STATUTORY RESTRICTIONS

ON

CONVICTED FELONS IN TEXAS

State of Texas
Statutory Restrictions on Convicted Felons
Current through the 77th Legislature, 2001

Compiled by Catherine K. Harris, State Law Library,
in consultation with Jeffrey L. Van Horn, J.D.
Office of the State Prosecuting Attorney
March, 2002

1. Texas Constitution

Equal Rights

- 1.1 Constitution Art. 1 Sec. 3 - equal rights for "all free men" does not apply to convicted felons.

Bail

- 1.2 Constitution Art. 1 Sec. 11 - a felon has no constitutional right to bail; this right is a legislative grant (See also: Code of Criminal Procedure Art. 1.07)
- 1.3 Constitution Art. 1 Sec. 11a - a felon with multiple convictions may be denied bail pending trial.

Carrying weapons

- 1.4 Constitution Art. 1 Sec. 23 - a felon has no constitutional right to bear arms; this right is a legislative grant with a view to prevent crime.

Civil rights

- 1.5 Constitution Art. 4 Sec. 11 - only by executive pardon are the full rights of a felon restored.

Voting, Juries, Public Office

- 1.6 Constitution Art. 6 Sec. 1 - felons shall not be allowed to vote, subject to such exceptions as the Legislature may make. (See also: Const. Art. 16 Sec. 2 and Election Code Art. 5.01)
- 1.7 Constitution Art. 16 Sec. 2 - those convicted of bribery, perjury, forgery, or other high crimes shall, by law, be excluded from [public] office, serving on juries, and from the right of suffrage.

2. Agriculture Code

Pesticide, Pest Control

- 2.1 Agriculture Code Sec. 76.108 - an applicant for a commercial license for the application of pesticide cannot be licensed if he/she has been convicted of a felony involving moral turpitude in the last five years.

3. Alcoholic Beverage Code

Alcohol, Liquor Permit

- 3.1 Alcoholic Beverage Code Sec. 11.46 - an applicant for a liquor or alcohol permit under the Alcoholic Beverage Code may be refused an original or renewal permit with or without a hearing if three years have not elapsed since the termination, by pardon or otherwise, of a sentence imposed on the applicant for the conviction of a felony.
- 3.2 Alcoholic Beverage Code Sec. 11.61 - if a permittee under this code is finally convicted of a felony while holding an original or renewal permit, the permit will be cancelled or suspended.

Wine, Beer Retailer, Distributor Permit

- 3.3 Alcoholic Beverage Code Sec. 25.06 - the county judge shall deny an original application for a wine and beer retailer's permit if he finds that the applicant, or the applicant's spouse, during the three years immediately preceding the application, was finally convicted of a felony or other offense described in this Section.
- 3.4 Alcoholic Beverage Code Sec. 61.42 - the county judge shall (mandatory) refuse to approve an application for a license as a beer distributor or retailer if he has reasonable grounds to believe and finds that the applicant was finally convicted of a felony during the two years immediately preceding the filing of his application.
- 3.5 Alcoholic Beverage Code Sec. 61.43(a) - the county judge may (discretionary) refuse to approve an application for a license as a distributor or retailer if the county judge has reasonable grounds to believe and finds that two years has not elapsed since the termination, by pardon or otherwise, of a sentence imposed for conviction of a felony.
- 3.6 Alcoholic Beverage Code Sec. 61.71 - the commission or administrator may suspend for not more than 60 days or cancel an original or renewal retail dealer's on- or off-premise license if it is found, after notice and hearing, that the licensee was finally convicted of a felony while holding an original or renewal license.
- 3.7 Alcoholic Beverage Code Sec. 61.74 - the commission or administrator may suspend for not more than 60 days or cancel an original or renewal general, local, or branch distributor's license if it is found, after notice and hearing, that the licensee was finally convicted of a felony while holding an original or renewal license.
- 3.8 Alcoholic Beverage Code Sec. 69.06 - the county judge shall deny an original application for a retail dealer's on-premise license if he finds that the applicant or the applicant's spouse, during the three years immediately preceding the application, was finally convicted of a felony or one of various offenses (listed in the full statute).

4. Business and Commerce Code

Business Opportunity

- 4.1 Business and Commerce Code Sec. 41.161 - a seller of a business opportunity must provide a purchaser with a written disclosure statement that, among other things, contains a statement disclosing which, if any, of the persons described by Section 41.153 has, at any time during the previous seven fiscal years been convicted of a felony, or pleaded nolo contendere to a felony charge, involving fraud, embezzlement, fraudulent conversion, or misappropriation of property.

5. Civil Practice and Remedies Code

Injured Felon

- 5.1 Civil Practice and Remedies Code Sec. 86.002 - a claimant who has been convicted of a felony or misdemeanor may not recover damages for an injury sustained during the commission of the felony or misdemeanor if the injury would not have been sustained but for the commission of the felony or misdemeanor. (See Section for some reasons for relief).
- 5.2 Civil Practice and Remedies Code Sec. 93.001 - it is an affirmative defense to a civil action for damages for personal injury or death that the plaintiff, at the time the cause of action arose, was committing a felony, for which the plaintiff has been finally convicted, that was the sole cause of the damages sustained by the plaintiff.

Wrongful Imprisonment

- 5.3 Civil Practice and Remedies Code Sec. 103.154 - compensation payments to a person wrongfully imprisoned terminate if, after the date the person becomes eligible for compensation under Sec. 103.001, the person is convicted of a crime punishable as a felony.

6. Code of Criminal Procedure

Illegal Criminal Alien

- 6.1 Code of Criminal Procedure Art. 2.25 - a judge shall report to the United States Immigration and Naturalization Service a person who has been convicted in the judge's court of a crime or has been placed on deferred adjudication for a felony and is an illegal criminal alien as defined by Section 493.015(a), Government Code.

Arrest of Felon

- 6.2 Code of Criminal Procedure Art. 14.03 (d) - a peace officer outside his jurisdiction may arrest without warrant a person who commits an offense within the officer's presence or view, if the offense is a felony.

- 6.3 Code of Criminal Procedure Art. 14.04 - a peace officer may pursue and make a warrantless arrest of an escaping felon.

Juror

- 6.4 Code of Criminal Procedure Art. 19.08 - no person shall be selected or serve as a grand juror who, among other things, has been convicted of theft or of any felony; is under indictment or other legal accusation for theft or of any felony.
- 6.5 Code of Criminal Procedure Art. 35.16 - challenge for cause is an objection made to a particular juror, alleging some fact which renders him incapable or unfit to serve on the jury. A challenge for cause may be made by either the state or the defense for, among other reasons, the reason that he has been convicted of theft or any felony or, that he is under indictment or other legal accusation for theft or any felony.
- 6.6 Code of Criminal Procedure Art. 35.19 -no juror shall be impaneled when it appears that he is subject to a felony cause of challenge in Article 35.16, though both parties may consent.

Officer or Jailer

- 6.7 Code of Criminal Procedure Art. 42.011 - if a person licensed as an officer or jailer under Chapter 415, Government Code, is charged with the commission of a felony and a court that knows the person is licensed under that chapter convicts the person or places the person on community supervision, the clerk of the court shall send the Commission on Law Enforcement Officer Standards and Education, by mail or electronically, the license number of the person and a certified copy of the court's judgment reflecting that the person has been convicted or placed on community supervision.

Community Supervision

- 6.8 Code of Criminal Procedure Art. 42.12 - under certain conditions, a felon may be placed on community supervision at the discretion of the judge and /or the recommendation of a jury, and/or the motion of an attorney for the state, and/or on the written motion of the defendant.

Records Expunged

- 6.9 Code of Criminal Procedure Art. 55.01 - only under certain conditions, is a person who has been arrested for commission of either a felony or misdemeanor entitled to have all records and files relating to the arrest expunged.

Bail

- 6.10 Code of Criminal Procedure Art. 44.35 - bail pending habeas corpus appeal not allowed in capital cases where the proof is evident. (Bail not allowed to convicted felon held in extradition proceeding, *Smith, Wright v. Dunn*, 624 SW2d 671, Tex. App.—Beaumont 1981, no writ.)

Civil Rights

- 6.11 Code of Criminal Procedure Art. 48.01 - civil rights of felon restored after application granted. However, for some purposes, full rights of felon restored only after executive pardon with proof of innocence. (See: AG Opinion MW-270, 1980, where cases are summarized as establishing that "a prior conviction for which the defendant has received a full pardon, absent a showing that such pardon was granted for subsequent proof of innocence, may be utilized for purposes of : 1)enhancement, 2) impeachment, 3) denial of bail to an habitual offender, 4) denial of probation, 5) denial of a license to practice law, 6) proving possession of a firearm by a felon, and 7) proving possession of burglary tools by a felon.")

Felony with Sexual Offense

- 6.12 Code of Criminal Procedure Art. 62.01 - under certain conditions, a person who commits a crime with the intent to commit a felony involving a sexual act is required to participate in the Sex Offender Registration Program.

7. Education Code

Open-Enrollment School Director

- 7.1 Education Code Sec. 12.120 - a person who has been convicted of a felony or a misdemeanor involving moral turpitude may not serve as an officer or member of the governing body of an open-enrollment charter school.

School Bus Driver

- 7.2 Education Code Sec. 22.084 - if a person has been convicted of a felony or a misdemeanor involving moral turpitude, a school district, open enrollment charter or private school, regional education service center, or shared services arrangement may not employ that person to drive a bus on which students are transported without the permission of the board of trustees of the district or service center, the governing body of the open-enrollment charter school, or the chief executive officer of the private school or shared services arrangement. The same rule applies to a commercial transportation company that contracts with any of the organizations listed above for the purpose of employing bus drivers, monitors, or aides. (See also: 21.1: Transportation Code Sec. 521.022)

School, Service Center Employee

- 7.3 Education Code Sec. 22.085 - a school district, open-enrollment charter school, private school, regional education service center, or shared services arrangement may discharge an employee if the district or school obtains information of the employee's conviction of a felony or of a misdemeanor involving moral turpitude that the employee did not disclose to the State Board for Educator Certification or the district, school, service center, or shared services arrangement.

Business Contract with School District

- 7.4 Education Code Sec. 44.034 - a person or business entity that enters into a contract with a school district must give advance notice to the district if the person or an owner or operator of the business entity has been convicted of a felony. The notice must include a general description of the conduct resulting in the conviction of a felony. A school district may terminate a contract with a person or business entity if the district determines that the person or business entity failed to give the required notice of conviction or misrepresented the conduct resulting in the conviction. The district must compensate the person or business entity for services performed before the termination of the contract. This section does not apply to a publicly held corporation.

Scholarship

- 7.5 Education Code Sec. 54.633 - a prepaid higher education tuition scholarship terminates if the student to whom the scholarship is awarded is, among other things, convicted of, or adjudicated as having engaged in delinquent conduct constituting a felony or Class A misdemeanor.

Grants

- 7.6 Education Code Sec. 56.304 and 56.354 - a person is not eligible to receive a TEXAS grant (Toward Excellence, Access, & Success Grant for public and private institutions of higher education) or TEXAS grant II (for 2-year public institutions of higher education) if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this subchapter and 1) has received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or 2) has been pardoned, had the record of the offense expunged from the person's record, or otherwise has been released from the resulting ineligibility to receive a grant under this subchapter.
- 7.7 Education Code Sec. 56.305 and Sec. 56.355 - a person is not eligible to *continue* to receive a TEXAS grant or a TEXAS II grant if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this subchapter and has: 1) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or 2) been pardoned, had the record of the offense expunged from the person's record, or otherwise has been released from the resulting ineligibility to receive a grant under this subchapter.

- 7.8 Education Code Sec. 56.353 - a person is not eligible to receive a Teach for Texas grant if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this subchapter and has 1) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or 2) has been pardoned, had the record of the offense expunged from the person's record, or otherwise has been released from the resulting ineligibility to receive a grant under this subchapter.
- 7.9 Education Code Sec. 56.357 - a person is not eligible to receive a grant under the Teach for Texas Alternative Certification Assistance Program if the person has been convicted of a felony or an offense under Chapter 481, Health and Safety Code (Texas Controlled Substances Act), or under the law of another jurisdiction involving a controlled substance as defined by Chapter 481, Health and Safety Code, unless the person has met the other applicable eligibility requirements under this section and has 1) received a certificate of discharge by the Texas Department of Criminal Justice or a correctional facility or completed a period of probation ordered by a court, and at least two years have elapsed from the date of the receipt or completion; or 2) has been pardoned, had the record of the offense expunged from the person's record, or otherwise has been released from the resulting ineligibility to receive a grant under this section.

Proprietary Schools

- 7.10 Education Code Sec.132.059 - the Texas Employment Commission exercises jurisdiction and control of the system of proprietary schools and is authorized by this chapter to deny or revoke the registration of a representative of a proprietary school in accordance with the provisions of this chapter applicable to denial or revocation of a certificate of approval. The commission may deny, suspend, or revoke the registration of a representative who has been convicted of a felony, whether within or without this state.

8. Election Code

Voter, qualified

- 8.1 Election Code Sec. 11.002 - a qualified voter is a person who, among other things, has not been finally convicted of a felony or, if so convicted, has 1) fully discharged the person's sentence, including any term of incarceration, parole or supervision, or completed a period of probation ordered by any court; or 2) been pardoned or otherwise released from the resulting disability to vote.

- 8.2 Election Code Sec. 13.001 - to be eligible for registration as a voter in Texas, a person must, among other things, not have been finally convicted of a felony or, if so convicted, must have 1) fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court, or 2) been pardoned or otherwise released from the resulting disability to vote.
- 8.3 Election Code Sec. 13.002 - a person desiring to register to vote must submit an application, by personal delivery or mail, to the registrar of the county in which the person resides and must include a statement that the applicant has not been finally convicted of a felony or that the applicant is a felon eligible for registration under Section 13.001.
- 8.4 Election Code Sec. 16.031 - the voter registrar of each county shall cancel a voter's registration immediately on receipt of an abstract (filed by the Texas Department of Criminal Justice), of a final judgment of the voter's mental incompetence, conviction of a felony or other disqualification.

Public Elective Office

- 8.5 Election Code Sec. 141.001 (4) - to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, a person must have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities.

Ballot Place

- 8.6 Election Code Sec. 141.031. - a candidate's application for a place on the ballot that is required by this code must include a statement that the candidate has not been finally convicted of a felony from which the candidate has not been pardoned or otherwise released from the resulting disabilities.

9. Family Code

Divorce

- 9.1 Family Code Sec. 6.004 - in a suit for the dissolution of marriage, a court may grant a divorce in favor of one spouse if during the marriage the other spouse has been convicted of a felony.

Name Change

- 9.2 Family Code Sec. 45.102 - a petition to change the name of an adult must be verified and include whether the petitioner has been the subject of a final felony conviction
- 9.3 Family Code Sec. 45.103 - court may deny a felon a change of name if it is not in the interest of the public.

Transfer of Child from Juvenile to District Court

- 9.4 Family Code Sec. 54.02 - if a child is alleged to have violated a penal law of the grade of felony, the juvenile court may waive its exclusive original jurisdiction and transfer a child to the appropriate district court or criminal district court for criminal proceedings.

Sealing Records in Juvenile Justice System

- 9.5 Family Code Sec. 58.003 - in the case of juvenile justice system records, the court shall order the sealing of the records in the case if the court finds, among other things, that a) since the time specified in Subdivision (1), the person has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending seeking conviction or adjudication, b) a court may not order the sealing of the records of a person who has received a determinate sentence for engaging in delinquent conduct that violated a penal law listed in Section 53.045 or engaging in habitual felony conduct as described by Section 51.031, c) subject to Subsection (b), a court may order the sealing of records concerning a person adjudicated as having engaged in delinquent conduct that violated a penal law of the grade of felony only if 1) the person is 21 years of age or older; 2) the person was not transferred by a juvenile court under Section 54.02 to a criminal court for prosecution; 3) the records have not been used as evidence in the punishment phase of a criminal proceeding under Section 3(a), Article 37.07, Code of Criminal Procedure; and 4) the person has not been convicted of a penal law of the grade of felony after becoming age 17.

Genetic History

- 9.6 Family Code Sec. 162.007 - in an adoption proceeding, the genetic history of the child must include a description of the child's parents by birth and their parents, any other child born to either of the child's parents, and extended family members and must include, to the extent the information is available, information about any criminal conviction records relating to a misdemeanor or felony classified as an offense against the person or family or public indecency or a felony violation of a statute intended to control the possession or distribution of a substance included in Chapter 481, Health and Safety Code.

10. Finance Code

State Bank Director

- 10.1 Finance Code Sec. 33.103 - unless the banking commissioner consents otherwise in writing, a person may not serve as director, manager, or managing participant of a state bank if the person has been convicted of a felony.

Check Seller

- 10.2 Finance Code Sec. 152.203 - a "person," if an individual, may not have been convicted of a felony or a crime involving moral turpitude that is reasonably related to the person's fitness to hold the license as a check seller, regardless of whether the punishment received was a suspended sentence, community supervision, or non-adjudicated conviction.

Mortgage Broker

- 10.3 Finance Code Sec. 156.208 - a mortgage broker license issued under this chapter is valid for two years and may be renewed on or before its expiration date if the mortgage broker has not been convicted of a felony the commissioner determines is directly related to the occupation of a mortgage broker under Article 6252-13c, Revised Statutes.
- 10.4 Finance Code Sec. 156.303 - the savings and loan commissioner may order disciplinary action against a licensed mortgage broker or a licensed loan officer when the commissioner, after a hearing, has determined that the person, among other things, failed to notify the commissioner not later than the 30th day after the date of the final conviction if the person, in a court of this or another state or in a federal court, has been convicted of or entered a plea of guilty or nolo contendere to a felony or a criminal offense involving fraud.

State Trust Company Director

- 10.5 Finance Code Sec. 183.103 - unless the banking commissioner consents otherwise in writing, a person may not serve as director, manager, or managing participant of a state trust company if the person has been convicted of a felony.

11. Government Code

Shorthand Reporting Firm

- 11.1 Government Code Sec. 52.0295 - after receiving a verified complaint, and giving the shorthand reporting firm or affiliate office notice and an opportunity for a hearing as prescribed by Section 52.028, the Court Reporters Certification Board may reprimand, assess a reasonable fine against, or suspend or revoke the registration of a shorthand reporting firm or affiliate office for, among other things, a final conviction of an officer, director, or managerial employee of a shorthand reporting firm or affiliate office for a felony or misdemeanor that is directly related to the provision of court reporting services.

Court Interpreter License

- 11.2 Government Code Sec. 57.048 - after a hearing, the commissioner of licensing and regulation shall suspend or revoke a court interpreter license on a finding that the individual, among other things, has been convicted of a felony or of any crime in which an essential element of the offense is misstatement, fraud, or dishonesty.

Jury

- 11.3 Government Code Sec. 62.102 - a convicted felon, or person under indictment of felony, cannot serve on a jury.

Attorney as Felon

- 11.4 Government Code Sec. 81.078 - on proof of an attorney's conviction in a trial court of competent jurisdiction of any felony involving moral turpitude or of any misdemeanor involving the theft, embezzlement, or fraudulent misappropriation of money or other

property, the district court of the county of the residence of the convicted attorney shall enter an order suspending the attorney from the practice of law during the pendency of any appeals from the conviction. An attorney who has been given probation after the conviction, whether adjudicated or unadjudicated, shall be suspended from the practice of law during the probation.

On proof of final conviction of any felony involving moral turpitude or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property, the district court of the county of the residence of the convicted attorney shall enter an order disbaring the attorney.

Notary Public

11.5 Government Code Sec. 406.004 - each person appointed and commissioned as a notary public shall be at least 18 years of age and a resident of the State of Texas and must not have been convicted of a felony or crime involving moral turpitude.

DNA Record

11.6 Government Code Sec. 411.1471 - persons charged with or convicted of certain felonies are to be required to provide to a law enforcement agency one or more specimens for the purpose of creating a DNA record.

Concealed Handgun

11.7 Government Code Sec. 411.172 - a convicted felon is not eligible to carry a concealed handgun.

11.8 Government Code Sec. 411.201 - a retired judicial officer is eligible for a license to carry a concealed handgun if the officer has not been convicted of a felony.

Lottery License

11.9 Government Code Sec. 466.155 - after a hearing, the division director (Lottery Commission) shall deny an application for a license or the commission shall suspend or revoke a license if the director or commission, as applicable, finds that the applicant or sales agent is an individual who has been convicted of a felony, criminal fraud, gambling or a gambling-related offense, or a misdemeanor involving moral turpitude, if less than 10 years has elapsed since the termination of the sentence, parole, mandatory supervision, or probation served for the offense.

Lottery Commission Member

11.10 Government Code Sec. 467.024 - an individual is not eligible to be appointed a member of the (Lottery) commission if the individual has been convicted of a felony or of any crime involving moral turpitude.

Illegal Criminal Alien

11.11 Government Code Sec. 493.015 - "illegal criminal alien" means an alien who has been convicted of a felony and is in the custody of the state and who 1) entered the United States without inspection or at any time or any place other than as designated by the

United States Attorney General and 2) was admitted as a non-immigrant and, before the date of the commission of the crime, had failed to maintain the non-immigrant status under which the alien was admitted or to which it was changed under Section 248, Immigration and Nationality Act (8 U.S.C. Section 1258), or to comply with the conditions of the alien's status.

Parole Releasee

- 11.12 Government Code Sec. 508.281 - if a parole panel or designated agent of the board determines that a releasee or person granted a conditional pardon has been convicted of a felony offense committed while an administrative releasee and has been sentenced to a term of confinement in a penal institution, the determination is considered to be a sufficient hearing to revoke the parole or mandatory supervision or recommend to the governor revocation of a conditional pardon without further hearing, except that the parole panel or designated agent shall conduct a hearing to consider mitigating circumstances if requested by the releasee or person granted a conditional pardon.

Criminal History as Open Record

- 11.13 Government Code Sec. 552.108- a felon's criminal history is an open record and not protected from release, unless determined by a law enforcement agency as sensitive and thus excepted as confidential information.

12. Health and Safety Code

Nursing Facility License

- 12.1 Health and Safety Code Sec. 242.318 (242.313) - the Texas Department of Human Services may revoke, suspend, or refuse to renew a nursing facility administrator's license, assess an administrative penalty, issue a written reprimand, require participation in continuing education, or place an administrator on probation, after due notice and hearing, on proof, among other things, that the license holder has been convicted in a court of competent jurisdiction of a misdemeanor or felony involving moral turpitude.

Third Party Manager of Health Facility

- 12.2 Health and Safety Code. Sec.246.045 - if a continuing care health provider employs a person as a third party manager, i.e. someone other than an individual directly employed by the provider, to be the day-to-day manager of a facility, the disclosure statement must reveal, among other things, a description of any matter in which the person has been convicted of a felony, pleaded nolo contendere to a felony charge, or has been held liable or enjoined in a civil action by final judgment, if the felony or civil action involved fraud, embezzlement, fraudulent conversion, or misappropriation of property.

Facility for Elderly or Disabled

- 12.3 Health and Safety Code. Sec. 250.006 - a person convicted of specific offenses listed in this section (many of which are felony crimes), may not be employed in a position the duties of which involve direct contact with a consumer in a facility for the elderly or the disabled.

Wholesale Distributor of Drugs

- 12.4 Health and Safety Code Sec. 431.207 - the Texas Commissioner of Health may refuse an application for a license or may suspend or revoke a license to be a wholesale distributor of drugs, if the applicant or licensee has been convicted of a felony or misdemeanor that involves moral turpitude.

Distributor or Manufacturer of Medical Devices

- 12.5 Health and Safety Code Sec. 431.279 - the Texas Commissioner of Health may refuse an application or may suspend or revoke a license to distribute or manufacture medical devices, if the applicant or licensee has been convicted of a felony or misdemeanor that involves moral turpitude.

Meat and Poultry Inspection Service

- 12.6 Health and Safety Code Sec. 433.028 - the Texas Commissioner of Health may withdraw or refuse to provide meat and poultry inspection service under this subchapter from an establishment for the period the commissioner determines necessary to carry out the purposes of this chapter if the commissioner determines after opportunity for hearing that the applicant for or recipient of the service is unfit to engage in a business requiring inspection under this subchapter because the applicant or recipient, or a person responsibly connected with the applicant or recipient, has been convicted in a federal or state court of a felony.

13. Human Resources Code

Offenses Against Assistance Programs

- 13.1 Human Resources Code Sec. 36.132 - a licensing authority shall revoke a license issued by the authority to a person if the person is convicted of a felony under Section 36.131. (Offenses regarding "Assistance Programs," e.g. Medicaid) In revoking the license, the licensing authority shall comply with all procedures generally applicable to the licensing authority in revoking licenses.

Child Care Administrator

- 13.2 Human Resources Code Sec. 43.010 - the Department of Human Services may revoke a license of a child care administrator in a child care institution if the license holder is convicted of a felony.

14. Insurance Code

The sections listed here take effect on June 1, 2003

See also Insurance Code under VATCS, below

Certificate of Authority

- 14.1 Insurance Code Sec. 801.151 - except as provided by Sections 801.153 and 801.154

(Issuance or Reinstatement of Certificate), the Texas Department of Insurance may not issue a certificate of authority to act as an insurer to an applicant if a corporate officer or member of the board of directors of the applicant has been convicted of a felony involving moral turpitude or the breach of a fiduciary duty. (See also VATCS Art. 1.14A, below)

- 14.2 Insurance Code Sec. 801.152 - after notice and hearing, the Texas Department of Insurance may revoke the certificate of authority of an insurer if a corporate officer or member of the board of directors of the insurer is convicted of a felony involving moral turpitude; or breach of a fiduciary duty.

Life or Viatical Settlements

- 14.3 Insurance Code Sec. 1111.005 - the Insurance Commissioner may suspend or revoke a registration or deny an application for registration as a person engaged in the business of life or viatical settlements if the commissioner determines that the registrant or applicant, individually or through any officer, director, or shareholder of the registrant or applicant was, among other things, convicted of a felony or was convicted of a misdemeanor involving moral turpitude or fraud. (See also VATCS, Art. 3.50-6A, below)

15. Labor Code

Staff Leasing Services

- 15.1 Labor Code Sec. 91.020 - the Department of Licensing and Regulation may take disciplinary action against a license holder for staff leasing services for, among other things, failing, after the 31st day after the date on which a felony conviction of a controlling person is final, to notify the department in writing of the conviction.

Labor Union Officer

- 15.2 Labor Code Sec. 101.109 - a convicted felon may not serve as a labor union officer or as a labor organizer, unless rights of citizenship have been fully restored.

16. Local Government Code

City Officer

- 16.1 Local Government Code Sec. 21.031 - the conviction by a petit jury for any felony or for a misdemeanor involving official misconduct is grounds for immediate removal from office of an officer of the governing body of a general law city.

County Officer

- 16.2 Local Government Code Sec. 87.031 - the conviction of a county officer by a petit jury for any felony or for a misdemeanor involving official misconduct operates as an immediate removal from office of that officer.

Firefighter/Police Officer

- 16.3 Local Government Code Sec. 143.051 - a commission rule prescribing cause for removal or suspension of a fire fighter or police officer is not valid unless it involves, among other things, conviction of a felony or other crime involving moral turpitude.
- 16.4 Local Government Code Sec. 143.056 - if a fire fighter or police officer is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor, the department head may temporarily suspend the person with or without pay for a period not to exceed 30 days after the date of final disposition of the specified felony indictment or misdemeanor complaint; a conviction of a felony is cause for dismissal, and conviction of a Class A or B misdemeanor may be cause for disciplinary action or indefinite suspension.
- 16.5 Local Government Code Sec. 143.1017 - if a fire fighter or police officer is indicted for a felony or officially charged with the commission of any other crime involving moral turpitude, the department head may temporarily suspend the person with or without pay for a period not to exceed 30 days after the date the fire fighter or police officer gives notice of final disposition of the specified felony indictment or any other crime involving moral turpitude.

Sheriff's Department Employee

- 16.6 Local Government Code Sec. 158.0351 - if an employee of the sheriff's department is indicted for a felony or officially charged with the commission of a Class A or B misdemeanor, the sheriff may temporarily suspend the person with or without pay for a period not to exceed 30 days after the date of final disposition of the specified felony indictment or misdemeanor complaint.

17. Occupations Code

Licensed Occupations

- 17.1 Occupations Code Sec. 53.021 - 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 a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation.

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.

Medical Examination for Licensing

- 17.2 Occupations Code Sec. 164.001 - except for good cause shown, the State Board of Medical Examiners, on determining a violation of this subtitle or a board rule, or for any cause for which the board may refuse to admit a person to its examination or to issue or renew a license, including an initial conviction or the initial finding of the trier of fact of

guilt of a felony or misdemeanor involving moral turpitude, shall revoke or suspend a license; place on probation a person whose license is suspended; or reprimand a license holder.

Physician

- 17.3 Occupations Code Sec. 164.057 - the State Board of Medical Examiners shall suspend a physician's license on proof that the physician has been initially convicted of a felony or subject to an initial finding by the trier of fact of guilt of a felony (under certain state or federal law). On final conviction for a felony described by Subsection (a), the board shall revoke the physician's license.
- 17.4 Occupations Code Sec. 164.102 - the State Board of Medical Examiners may not grant probation to a physician who constitutes, through the practice of medicine, a continuing threat to the public welfare. Except on an express determination, based on substantial evidence, that granting probation is in the best interests of the public and of the person whose license has been suspended, revoked, or canceled, the board may not grant probation to a person whose license has been canceled, revoked, or suspended because of a felony conviction under certain state and federal laws.
- 17.5 Occupations Code Sec. 164.153 - except on an express determination based on substantial evidence contained in an investigative report indicating that reinstatement or reissue of the license is in the best interests of the public and of the person whose license has been canceled, revoked, or suspended, the State Board or Medical Examiners may not reinstate or reissue a license to a person whose license has been canceled, revoked, or suspended because of a felony conviction under certain state and federal laws.

Chiropractic Examination

- 17.6 Occupations Code Sec. 201.502 - the State Board of Medical Examiners may refuse to admit a person to chiropractic examinations and may revoke or suspend a license or place a license holder on probation, for a period determined by the board, for being convicted of a crime involving moral turpitude or a felony.

Podiatrist

- 17.7 Occupations Code Sec. 202.502 - the State Board of Medical Examiners shall suspend a podiatrist's license after an administrative hearing conducted in accordance with Chapter 2001, Government Code, in which the board determines that the license holder has been convicted of a felony under certain state laws; on the person's final conviction, the Board shall revoke the person's license.
- 17.8 Occupations Code Sec. 202.506 - a podiatrists convicted of a felony under Chapter 481 or 483, Health and Safety Code, or Section 485.033, Health and Safety Code, is not eligible for probation of a license suspension or revocation under Section 202.503; or reissuance of a license under Section 202.504

Midwife

- 17.9 Occupations Code Sec. 203.404 - the midwifery board may discipline a documented midwife and may refuse to issue a letter of documentation to an applicant who is convicted of a

misdemeanor involving moral turpitude or a felony.

Physician Assistant

17.10 Occupations Code Sec. 204.303 - the physician assistant board may take action under Section 204.301 against an applicant or license holder who is convicted of a felony, placed on deferred adjudication, or placed in a pretrial diversion program.

Acupuncturist

17.11 Occupations Code Sec. 205.351 - a license to practice acupuncture may be denied or, after notice and hearing, a license holder may be subject to disciplinary action under Section 205.352 if the license applicant or license holder, among other things, has been convicted of a crime involving moral turpitude or a felony or is the subject of deferred adjudication or pretrial diversion for such an offense.

Surgical Assistant

17.12 Occupations Code Sec. 206.203 - to be eligible for a license as a surgical assistant, a person, among other things, must have not been convicted of a felony or a crime involving moral turpitude.

State Board of Medical Examiners

17.13 Occupations Code Sec. 206.303 - the Texas State Board of Medical Examiners may take action under Sec. 206.301 against an applicant or license holder who, among other things, is convicted of a felony.

Dentist, Dental Hygienist

17.14 Occupations Code Sec. 263.001 - the State Board of Dental Examiners may refuse to examine a person or to issue a dental license or a dental hygienist license to a person if the person, among other things, is convicted of a felony under a federal law or law of this state.

State Board of Dental Examiners

17.15 Occupations Code Sec. 263.002 - the Board of Dental Examiners, after notice and hearing, may reprimand a person who holds a license issued under this subtitle, impose a fine on a person licensed under this subtitle, impose an administrative penalty under Subchapter A, Chapter 264, on a person who holds a license under this subtitle, place on probation with conditions a person whose license has been suspended, or revoke or suspend a person's license issued under this subtitle if the person is convicted of a misdemeanor involving fraud or a felony under federal law or the law of any state.

17.16 Occupations Code Sec. 263.006 - the Board of Dental Examiners shall suspend a license holder's license issued under this subtitle if it is determined at an administrative hearing that the person has been convicted of a felony under Chapter 481 or 483, Health and Safety Code, or Section 485.033, Health and Safety Code; the board shall revoke the person's license on the person's final conviction.

Registered Nurse

17.17 Occupations Code Sec. 301.452 - a person who is a registered nurse is subject to denial of a

license or to disciplinary action under this subchapter for, among other things, a conviction for a felony or for a misdemeanor involving moral turpitude.

Optometrist

17.18 Occupations Code Sec. 351.501 - on the vote of five or more members, the Texas Optometry Board may refuse to issue a license to an applicant, revoke or suspend a license, place on probation a person whose license has been suspended, impose a fine, impose a stipulation, limitation, or condition relating to continued practice, including conditioning continued practice on counseling or additional education, or reprimand a license holder if the board determines that, among other things, the applicant or license holder has been convicted of a misdemeanor involving moral turpitude or a felony.

Speech-Language Pathologist

17.19 Occupations Code Sec. 401.453 - the State Board of Examiners for Speech-Language Pathology and Audiology may deny a license or may suspend or revoke a license if the applicant or license holder has been convicted of a misdemeanor involving moral turpitude or a felony.

Hearing Aids/Instruments

17.20 Occupations Code Sec. 402.203 - the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments may refuse to examine an applicant who has been convicted of a misdemeanor that involves moral turpitude or a felony.

17.21 Occupations Code Sec. 402.501 - the Committee of Examiners in the Fitting and Dispensing of Hearing Instruments may refuse to issue or renew a license, revoke or suspend a license or permit, place on probation a person whose license or permit has been suspended, or reprimand a license or permit holder who is convicted of a felony or misdemeanor that includes dishonesty as an essential element or of a crime directly related to the practice of fitting and dispensing hearing instruments.

Athletic Trainers

17.22 Occupations Code Sec. 451.251 - the Board of Athletic Trainers may refuse to issue a license to an applicant or may suspend or revoke the person's license if the person has been convicted of a misdemeanor involving moral turpitude or a felony.

Physical Therapists

17.23 Occupations Code Sec. 453.351 - the Texas Board of Physical Therapy Examiners may deny a license or suspend or revoke a license, place a license holder on probation, reprimand a license holder, impose an administrative penalty, or otherwise discipline a license holder if the applicant or license holder has been convicted of a felony, including a finding or verdict of guilty, an admission of guilt, or a plea of nolo contendere, in this state or in any other state or nation.

Psychologist

17.24 Occupations Code Sec. 501.255 - an applicant may take an examination for a provisional license to be a psychologist if the applicant, among other things, has not been convicted of a crime involving moral turpitude or a felony.

- 17.25 Occupations Code Sec. 501.401 - the Texas State Board of Examiners of Psychologists shall revoke or suspend a holder's license, place on probation a person whose license has been suspended, or reprimand a license holder who, among other things, is convicted of a felony or of any offense that would be a felony under the laws of this state, or of a violation of a law involving moral turpitude.

Marriage and Family Counselor

- 17.26 Occupations Code Sec. 502.252 - an applicant for a license as a marriage and family counselor must, among things, have not been convicted of a felony or a crime involving moral turpitude.
- 17.27 Occupations Code Sec. 502.351 - the Board of Examiners of Marriage and Family Therapists shall reprimand a license holder, place on probation a person whose license has been suspended, or suspend or revoke a holder's license if the person is convicted of a misdemeanor involving moral turpitude or a felony.
- 17.28 Occupations Code Sec. 505.451 - the Board of Examiners of Marriage and Family Therapists shall deny an application for a license or order of recognition of specialty and shall revoke or suspend, including a suspension on an emergency basis, a license or order, place a holder of a license or order that has been suspended on probation, or reprimand a holder of a license or order for, among other things, having been convicted of a felony in this state, another state, or the United States.

Pharmacist

- 17.29 Occupations Code Sec. 565.001 - the State Board of Pharmacy may discipline an applicant for or the holder of a license to practice pharmacy if the board finds that the applicant or license holder has, among other things, been convicted of a misdemeanor involving moral turpitude or a felony.
- 17.30 Occupations Code Sec. 565.002 - the State Board of Pharmacy may discipline an applicant for or the holder of a pharmacy license if the board finds that the applicant or license holder has, among other things, been convicted of a misdemeanor involving moral turpitude or a felony or, if the applicant or license holder is a legal business entity, that a managing officer of the applicant or license holder has been convicted of a misdemeanor involving moral turpitude or a felony under the law of this state, another state, or the United States.
- 17.31 Occupations Code Sec. 568.003 - the State Board of Pharmacy may refuse to issue or renew a registration or may suspend or revoke any registration issued by the board if the board determines that the applicant or registrant has, among other things, been convicted of a misdemeanor involving moral turpitude or a felony.

Funeral Home Director

- 17.32 Occupations Code Sec. 651.259 - the Texas Funeral Service Commission shall conduct a criminal background check on each application by an out-of-state license holder. An applicant is not eligible for a license under this section if the applicant has, in the 10 years preceding the date of the application, been finally convicted of a misdemeanor involving moral turpitude or a felony.

17.33 Occupations Code Sec. 651.5025 - the Texas Funeral Service Commission may revoke the license of a license holder without a hearing if the commission determines from the information presented to it that the license holder has been convicted of a felony related to the practice of embalming, funeral directing, or another activity regulated by the commission under this chapter. The commission shall notify the license holder if it decides to revoke the license.

Veterinarian

17.34 Occupations Code Sec. 801.402 - a person is subject to denial of a license or to disciplinary action by the State Board of Veterinary Medical Examiners if the person, among other things, is convicted of a felony under the laws of this state, another state, or the United States.

17.35 Occupations Code Sec. 801.406 - on conviction of a license holder of a felony, the Board of Veterinary Medical Examiners shall, after conducting an administrative hearing in which the fact of conviction is determined, suspend the person's license. On final conviction of the license holder, the license shall be revoked.

Accountant

17.36 Occupations Code Sec. 901.505 - after notice and hearing, the State Board of Public Accountancy may suspend a certificate or firm license or suspend or refuse to renew a license on conviction of a person of an offense under the laws of any state or the United States that is a felony or that includes fraud or dishonesty as an element of the offense.

Interior Designer

17.37 Occupations Code Sec. 1053.252 - a registered interior designer is subject to disciplinary action including the revoking or suspending of a certificate of registration, for being convicted of a felony or of a misdemeanor involving moral turpitude. (Effective June 1, 2003)

Until June 1, 2003, refer to VATCS Art. 249e.

Real Estate Broker/Salesperson

17.38 Occupations Code Sec. 1101.652 - the Texas Real Estate Commission may suspend or revoke a license of a broker or salesperson if the license holder enters a plea of guilty or nolo contendere to or is convicted of a felony in which fraud is an essential element, and the time for appeal has elapsed or the judgment or conviction has been affirmed on appeal, without regard to an order granting community supervision that suspends the imposition of the sentence. (Effective June 1, 2003)

Peace Officer/Security Officer/Jailer

17.39 Occupations Code Sec. 1701.312 - convicted felon is disqualified to be a [peace] officer [or reserve law enforcement officer], public security officer, or county jailer.

17.40 Occupations Code Sec. 1701.502 - the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) shall immediately revoke the license of an officer, public security officer, or county jailer who is convicted of a felony. The commission shall immediately suspend the license of one licensed under this chapter who is charged with a felony and is placed on community supervision regardless of whether the court

defers further proceedings without entering an adjudication of guilt.

- 17.41 Occupations Code Sec. 1701.954 - a person convicted of a felony or misdemeanor involving moral turpitude is not eligible for appointment to the Texas Peace Officers' Memorial Advisory Committee to TCLEOSE.
- 17.42 Occupations Code Sec. 1702.163 - a convicted felon may not receive a security officer commission from the Texas Commission on Private Security.
- 17.43 Occupations Code Sec. 1702.263 - an application submitted to the Commission on Private Security for the purpose of being certified to sell a detection device or other device preventing or detecting burglary shall not be approved if the background check of the applicant discloses a felony conviction for which a full pardon has not been granted, or any false information is included.

Polygraph Examiner

- 17.44 Occupations Code Sec. 1703.203 - a person is not qualified for a polygraph examiner license if the person has been convicted of a misdemeanor involving moral turpitude or a felony.
- 17.45 Occupations Code Sec. 1703.351 - on determining that an applicant or license holder has, among other things, been convicted of a misdemeanor involving moral turpitude or a felony, the Polygraph Examiners Board shall refuse to issue a license to the applicant; revoke or suspend the person's license; or reprimand the person.

Bail Bondsman

- 17.46 Occupations Code Sec. 1704.153 - a person may not be licensed to act as a bail bond surety if the person commits and is finally convicted of a misdemeanor involving moral turpitude or a felony.

Auctioneer

- 17.47 Occupations Code Sec. 1802.251 - the Commissioner of Licensing and Regulation may deny an application for a license or suspend or revoke the license of any auctioneer for, among other things, being convicted in a court of this state or another state of a criminal offense involving moral turpitude or a felony.

Bingo License

- 17.48 Occupations Code Sec. 2001.105 - the Texas Lottery Commission shall issue or renew a license to conduct bingo on payment of the license fee if the commission determines that, among other things, no person under whose name bingo will be conducted and no person working at the proposed bingo has been convicted of a felony, a gambling offense, criminal fraud, or a crime of moral turpitude if less than 10 years has elapsed since the termination of a sentence, parole, mandatory supervision, or community supervision served for the offense.

- 17.49 Occupations Code Sec. 2001.154 - the Texas Lottery Commission may not issue a commercial lessor license to or renew a commercial lessor license (for leasing premises on which bingo is conducted) of a person convicted of a felony, criminal fraud, a gambling or gambling-related offense, or a crime of moral turpitude if less than 10 years has elapsed since termination of a sentence, parole, mandatory supervision, or community supervision served for the offense.
- 17.50 Occupations Code Sec. 2001.202 - a person is not eligible for a manufacturer's license (for selling or supplying to a person in this state or for use in this state bingo cards, boards, sheets, pads, or other supplies or equipment to be used in playing bingo) if that person has been convicted of a felony, criminal fraud, a gambling or gambling-related offense, or a crime of moral turpitude if less than 10 years has elapsed since the termination of a sentence, parole, mandatory supervision, or community supervision served for the offense.
- 17.51 Occupations Code Sec. 2001.207 - a person is not eligible for a distributor's license (for selling, distributing, or supplying bingo equipment or supplies for use in bingo in this state) if that person has been convicted of a felony, criminal fraud, a gambling or gambling-related offense, or a crime of moral turpitude if less than 10 years has elapsed since the termination of a sentence, parole, community supervision, or mandatory supervision served for the offense.
- 17.52 Occupations Code Sec. 2001.252 - a person is not eligible for a system service provider license (license for selling or supplying automated bingo services for the use of a licensed authorized organization) if the person has been convicted of a felony, criminal fraud, a gambling or gambling-related offense, or a crime of moral turpitude if less than 10 years has elapsed since the termination of a sentence, parole, or community supervision served for the offense.

Coin-operated Machines

- 17.53 Occupations Code Sec. 2153.302 - the comptroller may not issue a general business license to a person for coin-operated machines if the comptroller finds that the applicant has been finally convicted of a felony during the five years preceding the date of application or placed on community supervision or released on parole for a felony conviction during the two years preceding the date of application.

18. Penal Code

Barratry

- 18.1 Penal Code Sec. 38.12 - barratry and solicitation of professional employment may be a felony offense; final conviction of felony barratry is a serious crime for all purposes and acts, specifically including the State Bar Rules and the Texas Rules of Disciplinary Procedure.

Firearm Possession

- 18.2 Penal Code Sec. 46.04 - a person who has been convicted of a felony commits an offense if he possesses a firearm after conviction and before the fifth anniversary of the person's release

from confinement following conviction of the felony or the person's release from supervision under community supervision, parole, or mandatory supervision, whichever date is later; or after the period just described at any location other than the premises at which the person lives. An offense under this section is a felony of the third degree.

19. Property Code

Camping Contract Broker

- 19.1 Property Code Sec. 222.005 - a person convicted of a felony must disclose that fact if applying for registration as a seller or membership camping contract broker.

20. Tax Code

Tobacco Products

- 20.1 Tax Code Sec. 154.107; 155.0481 - a person may not engage in business as a distributor, wholesaler, bonded agent, or retailer of cigarettes, cigars, or other tobacco products unless the person has applied for and received the applicable permit from the comptroller; the comptroller may reject an application and deny a permit (or combination permit) if the comptroller finds, after notice and opportunity for hearing, that, among other things, the applicant has failed to disclose any conviction of a felony.

21. Transportation Code

School Bus Driver

- 21.1 Transportation Code Sec. 521.022 - before a person is employed to operate a school bus to transport students, the employer must obtain a criminal history record check. A school district, school, service center, or shared services arrangement, or a commercial transportation company under contract with a school district, that obtains information that a person has been convicted of a felony or misdemeanor involving moral turpitude may not employ the person to drive a school bus on which students are transported unless the employment is approved by the board of trustees of the school district or the board's designee. (See also 7.2: Education Code Sec. 22.084)

Vehicle Inspection Station

- 21.2 Transportation Code Sec. 548.407 - the Texas Department of Transportation may provide that a revocation or suspension of a certificate of a vehicle inspection station or inspector takes effect if the department finds the action necessary to prevent or remedy a threat to public health, safety, or welfare. Violations that present a threat to public health, safety, or

welfare include, among other things, a conviction of a felony or a Class A or B misdemeanor that directly relates to or affects the duties or responsibilities of a vehicle inspection station or inspector or a conviction of a similar crime under the jurisdiction of another state or the federal government.

Parking for Disabled

- 21.3 Transportation Code Sec. 681.0101 - a political subdivision may appoint a person who, among other things, has not been convicted of a felony, to have authority to file a charge against a person who commits an offense against privileged parking for the disabled.

22. Water Code

Irrigation District

- 22.1 Water Code Sec. 58.223 - to be eligible to vote in an election for an irrigation district, an individual landowner, or the landowner's registered representative, must, among other things, not have been finally convicted of a felony, unless the sentence has been fully discharged, or the individual has been pardoned or otherwise released from the resulting disability to vote.

23. Vernon's Annotated Texas Civil Statutes (VATCS)

Racing Commissioner

- 23.1 VATCS Art. 179e - a person who has been convicted of a felony or of any crime involving moral turpitude is not eligible for appointment to the Texas Racing Commission.

Securities Dealer/Agent/Salesman

- 23.2 VATCS Art. 581-14 - the State Securities Commissioner may deny, revoke, or suspend a registration, place on probation a dealer, agent, or salesman whose registration has been suspended, or reprimand a person registered under this Act if the person has been convicted of a felony.

Corporation/Corporate Manager

- 23.3 VATCS Art. 1396-7.01, Section F - under the Texas Non-Profit Corporation Act, when a corporation is convicted of a felony, or when a high managerial agent is convicted of a felony in the conduct of the affairs of the corporation, the Attorney General may file an action to involuntarily dissolve the corporation in a district court of the county in which the registered office of the corporation is situated or in a district court of Travis County. The court may dissolve the corporation involuntarily if it is established that the corporation, or a high managerial agent acting in behalf of the corporation, has engaged in a persistent course of

felonious conduct; and to prevent future felonious conduct of the same character, the public interest requires such dissolution.

- 23.4 VATCS Art. 1396-8.15, Section F - under the Texas Non-Profit Corporation Act, when a foreign corporation is convicted of a felony, or when a high managerial agent is convicted of a felony committed in the conduct of the affairs of the foreign corporation, the Attorney General may file an action to revoke the certificate of authority of the foreign corporation to conduct affairs in this state in a district court of the county in which the registered office of the foreign corporation in this state is situated or in a district court of Travis County. The court may revoke the foreign corporation's certificate of authority if it is established that the foreign corporation, or a high managerial agent acting in behalf of the foreign corporation, has engaged in a persistent course of felonious conduct; and to prevent future felonious conduct of the same character, the public interest requires such revocation.
- 23.5 VATCS Art. 1528n Art. 7.11 Section F - under the Texas Limited Liability Act, when a foreign limited liability company is convicted of a felony, or when a high managerial agent is convicted of a felony committed in the conduct of the affairs of the foreign limited liability company, the Attorney General may file an action to revoke the certificate of authority of the foreign limited liability company to transact business in this State in a district court of the county in which the registered office of the foreign limited liability company in this State is situated or in a district court of Travis County. The court may revoke the foreign limited liability company's certificate of authority if it is established that 1) the foreign limited liability company, or a high managerial agent acting in behalf of the foreign limited liability company has engaged in a persistent course of felonious conduct; and 2) to prevent future felonious conduct of the same character, the public interest requires such revocation.
- 23.6 **Business Corporation Act** (part of VATCS following Art. 1538) Art. 7.01, Section F - when a corporation is convicted of a felony or when a high managerial agent is convicted of a felony in the conduct of the affairs of the corporation, the Attorney General may file an action to involuntarily dissolve the corporation in a district court of the county in which the registered office of the corporation is situated or in a district court of Travis County. The court may dissolve the corporation involuntarily if it is established that: 1) the corporation, or a high managerial agent acting in behalf of the corporation, has engaged in a persistent course of felonious conduct; and 2) to prevent future felonious conduct of the same character, the public interest requires such dissolution.

Note: the same language applies to a foreign corporation, see Business Corporation Act, Art. 8.16, Section F and also VATCS Art. 1396-8.15, Section F (above) - foreign corporation convicted of a felony.

Geoscientists

- 23.7 VATCS Art. 3271b Section 9.01 - the Texas Board of Professional Geoscientists may impose appropriate sanctions for conviction of a license holder of a crime involving moral turpitude or a felony.

Intractable Pain Treatment

- 23.8 VATCS Art. 4506a.- on conviction of a drug-related felony of a person licensed to treat intractable pain, the Texas State Board of Medical Examiners shall, after an administrative hearing, conducted in accordance with the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes), in which the fact of conviction is determined, suspend the person's license. On the person's final conviction, the board shall revoke the person's license. The board may not reinstate or reissue a license to a person whose license is suspended or revoked under this article except on an express determination based on substantial evidence contained in an investigative report indicating that the reinstatement or reissue of the license is in the best interests of the public and of the person whose license has been suspended or revoked.

Certificate of Authority

- 23.9 **Insurance Code** (part of VATCS following Art. 4641) Art. 1.14A - except as provided by Subsection (c) of this section, the Texas Department of Insurance may not issue a certificate of authority to an insurance company if a corporate officer or a member of the board of directors of the company has been convicted of a felony involving moral turpitude or breach of a fiduciary duty.

Viatical/Life Settlements

- 23.10 Insurance Code (part of VATCS following Art. 4641) Art. 3.50-6A - the Texas Insurance Commissioner may suspend or revoke the registration of a registrant in the business of viatical settlements or life settlements or deny an application for registration under this article if the commissioner finds that the registrant or applicant, individually or through any officer, director, or shareholder of the registrant or applicant is, among other things, convicted of a misdemeanor involving moral turpitude or criminal fraud or a felony.

Insurance Agent/Counselor/Adjustor

- 23.11 Insurance Code (part of VATCS following Art. 4641) Art. 21.01-2 Sec. 3A - the Department of Insurance may discipline a license holder or deny a license application (as agent, counselor, or adjuster) under this article if it determines that the applicant or license holder, individually or through any officer, director, or shareholder, is, among other things, convicted of a felony.

Note: references to this Article are made in Articles 21.07 and 21.07-7 of the Insurance Code.

Risk Manager

- 23.12 Insurance Code (part of VATCS following Art. 4641) Art. 21.14-1 - the Department of Insurance may discipline a risk manager or deny an application if a licensee, or applicant, is convicted, by final judgment, of a felony.

Underwriter

- 23.13 Insurance Code (part of VATCS following Art. 4641) Art. 21.49-3b Sec. 3B- a license issued to a Joint Underwriting Association may be denied, suspended, or revoked, or the renewal of the license refused if, after notice and hearing, the Insurance Commissioner finds that the license applicant or license holder, or an officer or director of a license applicant or license holder has, among other things, been convicted of a felony, or of any misdemeanor of which criminal fraud is an essential element.

Executor/Estate Administrator

- 23.14 Probate Code (part of VATCS following Art. 6258) Sec. 78 - No person is qualified to serve as an executor or administrator who is, among other things, a convicted felon, under the laws either of the United States or of any state or territory of the United States, or of the District of Columbia, unless such person has been duly pardoned, or his civil rights restored, in accordance with law.
- 23.15 Probate Code (part of VATCS following Art. 6258) Sec. 149C and Sec. 222 - an independent executor, or a personal representative, can be removed from that fiduciary role by the court if he is sentenced to the penitentiary.

Vehicle Storage Facility

- 23.16 VATCS Art. 6687-9a - the Texas Department of Transportation shall approve an application for a Vehicle Storage Facility License that is submitted as provided by Section 6 of this article for a license to operate a vehicle storage facility unless the department determines, among other things, that the applicant, one of the applicant's partners, a principal or the general manager of the applicant, or one of the applicant's officers has been convicted of a felony, or a misdemeanor for which the maximum punishment is by confinement in jail or by a fine exceeding \$500, in the three years preceding the date of the application.

24. Court Rules

Witness

- 24.1 Rules of Evidence. Rule 609 - evidence that a witness has been convicted of a crime shall be admitted if elicited from the witness or established by public record but only if the crime was a felony.

Attorney

- 24.2 Rules Governing Admission to the Bar. Rule 4 - in determining whether an Applicant or a Declarant (intent to study law) has good moral character, the underlying facts of a felony conviction or deferred adjudication may conclusively deem the person lacking in good moral character and fitness under this rule, preventing the person from filing a Declaration of Intention to Study Law, or an Application for a period of five years after the completion of the sentence and/or period of probation.
- 24.3 U.S. District Court Rules Northern District Texas, Local Rule 83.8 - a presiding judge, after

giving opportunity to show cause to the contrary, may take any appropriate disciplinary action against a member of the bar for, among other things, conviction by any court of a felony or crime involving dishonesty or false statement.

- 24.4 U.S. District Court Rules Northern District Texas, Local Criminal Rules 57.8 - a presiding judge, after giving opportunity to show cause to the contrary, may take any appropriate disciplinary action against a member of the bar for, among other things, conviction by any court of a felony or crime involving dishonesty or false statement.
- 24.5 U.S. District Court Rules Southern District Texas, Appendix A, Rule 2 - a lawyer convicted of a felony shall promptly notify the clerk of court and furnish to the clerk a certified copy of the judgment of conviction, and shall immediately cease practicing before this court pending further action by the court.
- 24.6 U.S. District Court Rules Eastern District Texas, Section III, Local Rule AT-2 - a member of the bar of this court who is convicted of a felony offense in any state or federal court will be immediately and automatically suspended from practice and thereafter disbarred upon final conviction.
- 24.7 U.S. District Court Rules Western District Texas, Section III, Rule AT-1 - any attorney admitted to practice in this Court will be referred to the committee of the division wherein the attorney practices for appropriate review, investigation, and recommendation if, among other things, said attorney is convicted of a felony offense in any state or federal court.

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