



TEXAS DEPARTMENT OF INSURANCE

State Fire Marshal's Office (112-FM)

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SUPPLEMENTAL CRIMINAL HISTORY INFORMATION

PLEASE COMPLETE ONE FORM FOR EACH CONVICTION. ADD ADDITIONAL PAGES AS NECESSARY

The additional information requested on this form is essential in making a determination of your eligibility for a license or permit based on the criteria in the Texas Occupations Code, Chapter 53 (53-021 through 53-023) and Title 37 Texas Administrative Code, Chapter 403. Use the added sheet as necessary to completely answer each question.

General Information

Name: _____

Type of license or certification for which you applied: _____

Crime of which you were convicted: _____

Offense Date: _____ Sentence Date: _____ Level of Offense: _____

Confinement Time: _____ Probation Time: _____ Fine: _____ Court Cost: _____

Time of day of crime: _____ Were you at work at the time of the crime? _____

Are you **presently** on probation or parole? _____ Which? _____ Are you **presently** incarcerated? _____

Name of probation/parole officer: _____ City/County/State: _____

Officer's phone number: _____ Projected date of completion: _____

Did the court order corrective activity like classes, counseling, or membership in a group such as AA? _____

If corrective activities were ordered, did you complete them or are they ongoing? _____

Did the crime occur due to a mental or physical disability? _____

Do you have dependents? _____ How many? _____ Do they live with you? _____

Section 1 – [Occupations Code Chapter 53, 53-022 (1) - Nature and seriousness]

Describe in detail the circumstances surrounding your conviction. (Where? When? How?)

Why do you think you did this? _____

Do you believe this was a serious crime? _____ Why or why not? _____

Do you believe this crime seriously jeopardized other citizens? _____

Section 2 – [Occupations Code Chapter 53, 53-022 (2) - Relationship to purpose of license]

(Note: The license or permit for which you applied is issued because your **work is critical to the Life Safety and protection of property**. During an emergency situation the citizens you serve trust that you can do or have done your job properly.)

Based on this conviction, why should the citizens of Texas trust your work?

Section 3 – [Occupations Code Chapter 53, 53-022 (3) - Offer further criminal opportunity]

In what ways could this license or permit tempt you to commit this crime again?

Section 4 – [Occupations Code Chapter 53, 53-022 (4) - Crime affects fitness]

How will the crime of which you were convicted affect your ability to do your job?

Section 5 – [Occupations Code Chapter 53, 53-023(a)(1) - Past criminal activity]

Have you had more than one criminal conviction? _____ If so, explain why you believe you have now been rehabilitated.

Section 6 – [Occupations Code Chapter 53, 53-023 (a)(2) - Age at the time of crime]

How old were you at the time of the crime? _____ Did your age have a bearing on the crime? Explain.

Section 7 – [Occupations Code Chapter 53, 53-023 (a)(3) - Time since conviction]

Explain how the passage of time since your conviction should be considered in determining your present fitness.

Section 8 – [Occupations Code Chapter 53, 53-023 (a)(4) - Work activity before and after the crime]

Provide the following information demonstrating the conduct of your work activity before and after the crime.

Company _____	City _____	Supervisor _____	Dates from _____ to _____
Job duties _____		Reason for leaving _____	
Company _____	City _____	Supervisor _____	Dates from _____ to _____
Job duties _____		Reason for leaving _____	
Company _____	City _____	Supervisor _____	Dates from _____ to _____
Job duties _____		Reason for leaving _____	
Company _____	City _____	Supervisor _____	Dates from _____ to _____
Job duties _____		Reason for leaving _____	
Company _____	City _____	Supervisor _____	Dates from _____ to _____
Job duties _____		Reason for leaving _____	

Section 9 – [Occupations Code Chapter 53, 53-023 (a)(5) - Rehabilitative effort]

What did you do to rehabilitate yourself while you were in jail or prison?

What have you done to rehabilitate yourself after your release or sentence?

What are you doing to avoid criminal activity?

If your crime was alcohol or drug related, have you taken/completed any counseling, classes or other outside help? Describe.

Section 11 – [Title 37, Texas Administrative Code § 403.7(b)(5) - Level of supervision]

Describe how you will be supervised on your job for which you need this license or permit?

Section 12 – [Title 37, Texas Administrative Code § 403.7(b)(6) - Access to property]

In performing the job in which you intend to use this license or permit, will you be required to enter:

Homes? _____	With resident in home? _____	Without resident in home? _____
Businesses? _____	During working hours? _____	After working hours? _____
Day care centers? _____	During working hours? _____	After working hours? _____
Schools? _____	During working hours? _____	After working hours? _____
Nursing homes? _____	Public places? _____	

Section 13 – [Occupations Code Chapter 53, 53-023 (a)(6), (b) and (c) - Other evidence of present fitness]

REQUIRED: Provide other evidence of your present fitness such as:

- > Letter(s) of recommendation from probation or parole officer.
- > Letter(s) of recommendation from past or present employer.
- > Letter(s) of recommendation from clergy, doctor, warden, local sheriff, public official, etc.
- > Provide evidence such as a letter(s) or court documents that you have supported those dependents not living with you.
- > Record of good conduct or community service.
- > Proof that you have paid all outstanding court costs, supervision fees, fines, or restitution.

If someone has assisted you in completion of this form please provide their name and phone number.

Name: _____ Relationship: _____ Phone: _____

BY SUBMITTING THIS FORM I VERIFY THAT THE INFORMATION ON THE SUPPLEMENTAL CRIMINAL HISTORY FORM AND ANY ATTACHMENTS ARE TRUE, ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND I UNDERSTAND THAT ANY FALSIFICATION, OMISSION, OR CONCEALMENT OF MATERIAL FACT MAY SUBJECT ME TO ADMINISTRATIVE, CIVIL, OR CRIMINAL LIABILITY. I HEREBY GIVE THE **STATE FIRE MARSHAL'S OFFICE** AUTHORITY TO CONTACT THE LAW ENFORCEMENT, CORRECTIONAL OFFICERS, PRESENT AND PAST EMPLOYERS, SEXUAL ASSAULT PROGRAMS, ANYONE SPECIFICALLY NOTED ON THIS APPLICATION AND OTHER PERSONS THAT MIGHT HAVE INFORMATION PERTAINING TO MY CONVICTION(S).

Date: _____

Additional Information

If you enter additional information on this page, please specify which section of the form the information relates to.

OCCUPATIONS CODE

TITLE 2. GENERAL PROVISIONS RELATING TO LICENSING

CHAPTER 53. CONSEQUENCES OF CRIMINAL CONVICTION

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 53.001. APPLICABILITY OF CERTAIN DEFINITIONS.

The definitions provided by Chapter 2001, Government Code, apply to this chapter.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 53.002. APPLICABILITY OF CHAPTER.

This chapter does not apply to:

- (1) the Supreme Court of Texas, a person licensed under the court's authority on behalf of the judicial department of government, or an applicant for a license issued under the court's authority on behalf of the judicial department of government;
- (2) a person licensed or an applicant for a license under Chapter 1701;
- (3) an applicant for certification as emergency medical services personnel under Chapter 773, Health and Safety Code; or
- (4) a person who:
 - (A) is licensed by the Texas Medical Board, the Texas State Board of Pharmacy, the State Board of Dental Examiners, or the State Board of Veterinary Medical Examiners; and
 - (B) has been convicted of a felony under Chapter 481 or 483 or Section [485.033](#), Health and Safety Code.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 1149 (H.B. [2845](#)), Sec. 1, eff. September 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 754 (H.B. [1402](#)), Sec. 1, eff. September 1, 2011.

SUBCHAPTER B. INELIGIBILITY FOR LICENSE

Sec. 53.021. AUTHORITY TO REVOKE, SUSPEND, OR DENY LICENSE.

(a) 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 that does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the person applies for the license;
- (3) an offense listed in Section 3g, Article [42.12](#), Code of Criminal Procedure; or
- (4) 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 [411.081](#)(i)(19), Government Code.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 616 (H.B. [963](#)), Sec. 3, eff. June 19, 2009.

Acts 2009, 81st Leg., R.S., Ch. 1148 (H.B. [2808](#)), Sec. 1, eff. June 19, 2009.

Acts 2013, 83rd Leg., R.S., Ch. 938 (H.B. [1659](#)), Sec. 2, eff. September 1, 2013.

Acts 2013, 83rd Leg., R.S., Ch. 1265 (H.B. [798](#)), Sec. 1, eff. September 1, 2013.

Sec. 53.022. FACTORS IN DETERMINING WHETHER CONVICTION RELATES TO OCCUPATION.

In determining whether a criminal conviction directly relates to an occupation, the licensing authority shall consider:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;
- (3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.

Sec. 53.023. ADDITIONAL FACTORS FOR LICENSING AUTHORITY TO CONSIDER.

(a) In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of a person who has been convicted of a crime, the licensing authority shall consider, in addition to the factors listed in Section [53.022](#):

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person when the crime was committed;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person before and after the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or after release; and
- (6) other evidence of the person's fitness, including letters of recommendation from:
 - (A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
 - (B) the sheriff or chief of police in the community where the person resides; and
 - (C) any other person in contact with the convicted person.

(b) The applicant has the responsibility, to the extent possible, to obtain and provide to the licensing authority the recommendations of the prosecution, law enforcement, and correctional authorities as required by Subsection (a)(6).

(c) In addition to fulfilling the requirements of Subsection (b), the applicant shall furnish proof in the form required by the licensing authority that the applicant has:

- (1) maintained a record of steady employment;
- (2) supported the applicant's dependents;
- (3) maintained a record of good conduct; and
- (4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.

Acts 1999, 76th Leg., ch. 388, Sec. 1, eff. Sept. 1, 1999.