

## **Criminal Conviction Guidelines**

### **BARBERING AND COSMETOLOGY**

These guidelines are issued by the Texas Department of Licensing and Regulation (TDLR) pursuant to the **Texas Occupations Code, § 53.025(a)**. These guidelines describe the process by which TDLR determines whether a criminal conviction renders an applicant an unsuitable candidate for the license, or whether a conviction warrants revocation or suspension of a license previously granted. These guidelines present the general factors that are considered in all cases, and also the reasons why particular crimes are considered to relate to each type of license issued by TDLR.

#### **Crimes involving prohibited sexual conduct or involving children as victims.**

*Reasons:*

1. Licensees have direct contact with members of the general public often in settings with no one else present.
2. A person with a predisposition for crimes involving prohibited sexual conduct or involving children as victims would have the opportunity to engage in further similar conduct.

#### **Crimes against the person such as homicide, kidnapping and assault.**

*Reasons:*

1. Licensees have direct contact with persons in situations that have potential for confrontational behavior.
2. A person with a predisposition of a violent response would pose a risk to the public.

#### **Crimes involving illegal manufacture or delivery of a controlled substance.**

*Reasons:*

1. Licensees work in a business establishment under their control, that is difficult to monitor with customers constantly coming and going, sometimes lingering for varied periods of time, which would provide a person with a predisposition to sell controlled substances an effective cover of their selling of controlled substances.
2. Licensees have exclusive access to customers for extended periods of time providing the opportunity for persons with predisposition to sell controlled substances the opportunity to persuade the uninitiated to buy a controlled substance.

## **Crimes involving human trafficking.**

### *Reasons:*

1. Victims of human trafficking often lack legal immigration status, money, and the ability to speak English fluently. Such persons are at particular risk of being compelled or forced to provide labor.
2. Customers of barbering or cosmetology services often receive services in private rooms closed off from public view at the direction of a licensee or a licensed establishment's owner or manager. This arrangement could provide an effective cover for the sale of licensed or unlicensed services by victims of human trafficking through forced labor at the direction of a licensee or a licensed establishment's owner or manager. Accordingly, barbering or cosmetology work could provide a licensee or a licensed establishment's owner or manager with a predisposition to exploit vulnerable workers through forced labor an effective cover for that exploitation.
3. Regular access to a licensed establishment would provide licensees or a licensed establishment's owner or manager with a predisposition for and experience in human trafficking motivation to engage in further similar conduct to exploit victims of human trafficking through forced labor.