

1-1 By: Dutton (Senate Sponsor - Miles) H.B. No. 757  
1-2 (In the Senate - Received from the House May 10, 2021;  
1-3 May 17, 2021, read first time and referred to Committee on Criminal  
1-4 Justice; May 22, 2021, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to the consequences of receiving a grant of deferred  
1-18 adjudication community supervision and successfully completing the  
1-19 period of supervision.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 42A.111, Code of Criminal Procedure, is  
1-22 amended by adding Subsection (c-1) and amending Subsection (d) to  
1-23 read as follows:

1-24 (c-1) Notwithstanding any other law, an offense for which  
1-25 the defendant received a dismissal and discharge under this article  
1-26 may be used only as described by Section 12.42(g)(1), Penal Code, or  
1-27 as otherwise described by this article. Subject to Subsection (d),  
1-28 an offense for which the defendant received a dismissal and  
1-29 discharge under this article may not be used as grounds for denying  
1-30 issuance of a professional or occupational license or certificate  
1-31 to, or suspending or revoking the professional or occupational  
1-32 license or certificate of, an individual otherwise entitled to or  
1-33 qualified for the license or certificate.

1-34 (d) For any defendant who receives a dismissal and discharge  
1-35 under this article:

1-36 (1) on conviction of a subsequent offense, the fact  
1-37 that the defendant previously has received deferred adjudication  
1-38 community supervision is admissible before the court or jury for  
1-39 consideration on the issue of penalty;

1-40 (2) if the defendant is an applicant for or the holder  
1-41 of a license under Chapter 42, Human Resources Code, the Department  
1-42 of Family and Protective Services may consider the fact that the  
1-43 defendant previously has received deferred adjudication community  
1-44 supervision in issuing, renewing, denying, or revoking a license  
1-45 under that chapter; ~~and~~

1-46 (3) if the defendant is an applicant for or the holder  
1-47 of a license to provide mental health or medical services for the  
1-48 rehabilitation of sex offenders, the Council on Sex Offender  
1-49 Treatment may consider the fact that the defendant previously has  
1-50 received deferred adjudication community supervision in issuing,  
1-51 renewing, denying, or revoking a license issued by that council;  
1-52 and

1-53 (4) if the defendant is an applicant for or the holder  
1-54 of a professional or occupational license or certificate, the  
1-55 licensing agency may consider the fact that the defendant  
1-56 previously has received deferred adjudication community  
1-57 supervision in issuing, renewing, denying, or revoking a license or  
1-58 certificate if:

1-59 (A) the defendant was placed on deferred  
1-60 adjudication community supervision for an offense:

1-61 (i) listed in Article 42A.054(a);

2-1 (ii) described by Article 62.001(5) or (6);  
 2-2 (iii) committed under Chapter 21 or 43,  
 2-3 Penal Code; or  
 2-4 (iv) related to the activity or conduct for  
 2-5 which the person seeks or holds the license; or  
 2-6 (B) the profession for which the person holds or  
 2-7 seeks a license or certificate involves direct contact with  
 2-8 children in the normal course of official duties or duties for which  
 2-9 the license or certification is required.

2-10 SECTION 2. The change in law made by this Act applies only  
 2-11 to a defendant placed on deferred adjudication community  
 2-12 supervision for an offense committed on or after the effective date  
 2-13 of this Act. A defendant placed on deferred adjudication community  
 2-14 supervision for an offense committed before the effective date of  
 2-15 this Act is governed by the law in effect on the date the offense was  
 2-16 committed, and the former law is continued in effect for that  
 2-17 purpose. For purposes of this section, an offense was committed  
 2-18 before the effective date of this Act if any element of the offense  
 2-19 was committed before that date.

2-20 SECTION 3. This Act takes effect September 1, 2021.

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