

BILL ANALYSIS

H.B. 1831
By: Talton
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, deferred adjudication, which is not a conviction, is a bar to obtaining a concealed handgun license (CHL), even if a person's deferred adjudication occurred many years in the past and he or she has an otherwise spotless record. When in court, defendants are often told that if they accept deferred adjudication, they will suffer no consequences once the time period for deferral has run its course. This has proven to be untrue when applying for a CHL.

House Bill 1831 addresses this issue by exempting certain records of deferred adjudications from the definition of "conviction," used by the subchapter on concealed carry licenses.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 1831 amends Chapter 411 of the Government Code by adding Section 411.1711 that states a person is not convicted, as that term is defined by Section 411.171, if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of the person's application for a concealed carry license under this subchapter, unless the order of deferred adjudication was entered against the person for an offense under Title 5, Penal Code or Chapter 29, Penal Code.

The bill makes conforming changes to Section 411.171(4) of the Government Code.

EFFECTIVE DATE

September 1, 2005