

BILL ANALYSIS

H.B. 2808
By: Thompson
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law defines deferred adjudication as a type of community supervision, rather than a conviction or a finding or verdict of guilt, but some licensing authorities do not make this distinction and often deny various occupational licenses.

H.B. 2808 establishes guidelines to assist with distinguishing between convicted and non-convicted persons and authorizes state licensing entities to consider certain standards when reviewing applicants for licensing or employment.

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

H.B. 2808 amends the Occupations Code to prohibit a licensing authority from considering a person to have been convicted of an offense for the purposes of revoking, suspending, or denying a license if the person entered a plea of guilty or nolo contendere, 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 the judge dismissed the proceedings and discharged the person at the end of the period of supervision. The bill authorizes a licensing authority to consider a person convicted of an offense regardless of whether the proceedings were dismissed and the person was discharged if, after consideration of certain factors involving the conviction's relation to the licensed occupation, the licensing authority determines that the person may pose a continued threat to public safety or that employment of the person in the licensed occupation would create a situation in which the person has the opportunity to repeat the prohibited conduct. The bill specifies that the prohibition against a licensing authority considering a person convicted of an offense if the proceedings were dismissed in accordance with these provisions does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide law enforcement or public health, education, or safety services.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.