

## **BILL ANALYSIS**

S.B. 2073  
By: Duncan  
Licensing & Administrative Procedures  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Section 406.009(e), Government Code, relates to a part of the Notary Public Act regarding what qualifies as a conviction for the purpose of determining eligibility to become a notary public. This section has been found to be difficult to interpret in practice, and since the implementation of the language of the section, the Penal Code has been amended to use new text to describe some of the language found in Section 406.009(e). This has caused problems for the secretary of state's office in attempting to reconcile the language of court documents, which use Penal Code terminology, with the requirements of Section 406.009(e) in determining eligibility to become a notary public.

As proposed, S.B. 2073 amends Section 406.009(e), Government Code, relating to eligibility to hold the office of notary public.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 406.009(e), Government Code, as follows:

(e) Prohibits a dismissal of a proceeding against the defendant and discharge of the defendant before an adjudication of guilt, and a finding of guilt that has been set aside, from being considered a conviction for the purposes of determining eligibility and good cause. Deletes existing text prohibiting the dismissal and discharge of proceedings under either the misdemeanor adult probation and supervision law or the adult probation, parole, and mandatory supervision from being considered a conviction for the purposes of determining good cause.

SECTION 2. Effective date: September 1, 2009.