

By: Dutton

H.B. No. 940

A BILL TO BE ENTITLED

AN ACT

relating to the consequences of successfully completing a period of deferred adjudication community supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 5(c), Article 42.12, Code of Criminal Procedure, is amended to read as follows:

(c) On expiration of a community supervision period imposed under Subsection (a) of this section, if the judge has not proceeded to adjudication of guilt, the judge shall dismiss the proceedings against the defendant and discharge him. The judge may dismiss the proceedings and discharge a defendant, other than a defendant charged with an offense requiring the defendant to register as a sex offender under Chapter 62~~[, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997]~~, prior to the expiration of the term of community supervision if in the judge's opinion the best interest of society and the defendant will be served. The judge may not dismiss the proceedings and discharge a defendant charged with an offense requiring the defendant to register under Chapter 62~~[, as added by Chapter 668, Acts of the 75th Legislature, Regular Session, 1997]~~. Except as provided by Section 12.42(g), Penal Code, a dismissal and discharge under this section may not be deemed a conviction for the purposes of disqualifications or disabilities imposed by law for conviction of an offense. Notwithstanding any other law, a dismissal and discharge under this

1 section may be used only as described by Section 12.42(g), Penal  
2 Code, or as otherwise described by this subsection. For any  
3 defendant who receives a dismissal and discharge under this  
4 section, ~~+~~

5 ~~[(1)]~~ upon conviction of a subsequent offense, the  
6 fact that the defendant had previously received community  
7 supervision with a deferred adjudication of guilt shall be  
8 admissible before the court or jury to be considered on the issue of  
9 penalty ~~+~~

10 ~~[(2) if the defendant is an applicant for a license or~~  
11 ~~is a licensee under Chapter 42, Human Resources Code, the Texas~~  
12 ~~Department of Human Services may consider the fact that the~~  
13 ~~defendant previously has received community supervision with a~~  
14 ~~deferred adjudication of guilt under this section in issuing,~~  
15 ~~renewing, denying, or revoking a license under that chapter; and~~

16 ~~[(3) if the defendant is a person who has applied for~~  
17 ~~registration to provide mental health or medical services for the~~  
18 ~~rehabilitation of sex offenders, the Interagency Council on Sex~~  
19 ~~Offender Treatment may consider the fact that the defendant has~~  
20 ~~received community supervision under this section in issuing,~~  
21 ~~renewing, denying, or revoking a license or registration issued by~~  
22 ~~that council].~~

23 SECTION 2. The change in law made by this Act applies only  
24 to a defendant placed on deferred adjudication for an offense  
25 committed on or after the effective date of this Act. A defendant  
26 placed on deferred adjudication for an offense committed before the  
27 effective date of this Act is covered by the law in effect when the

1 offense was committed, and the former law is continued in effect for  
2 that purpose. For purposes of this section, an offense was  
3 committed before the effective date of this Act if any element of  
4 the offense was committed before that date.

5 SECTION 3. This Act takes effect September 1, 2009.