

By: Thompson

H.B. No. 2808

A BILL TO BE ENTITLED

AN ACT

relating to the power of a licensing authority to revoke, suspend,
or deny a license on the basis of certain criminal proceedings.

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

SECTION 1. Section 53.021, Occupations Code, is amended by
adding Subsections (c), (d), and (e) to read as follows:

(c) Except as provided by Subsections (d) and (e),
notwithstanding any other law, a licensing authority may not
consider a person to have been convicted of an offense for purposes
of this section if, regardless of the statutory authorization:

(1) the person entered a plea of guilty or nolo
contendere;

(2) 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

(3) at the end of the period of supervision, the judge
dismissed the proceedings and discharged the person.

(d) A licensing authority may consider a person to have been
convicted of an offense for purposes of this section regardless of
whether the proceedings were dismissed and the person was
discharged as described by Subsection (c) if, after consideration
of the factors described by Sections 53.022 and 53.023(a), the
licensing authority determines that:

1 (1) the person may pose a continued threat to public
2 safety; or

3 (2) employment of the person in the licensed
4 occupation would create a situation in which the person has an
5 opportunity to repeat the prohibited conduct.

6 (e) Subsection (c) does not apply if the person is an
7 applicant for or the holder of a license that authorizes the person
8 to provide law enforcement or public health, education, or safety
9 services.

10 SECTION 2. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2009.