

1-1 By: Thompson (Senate Sponsor - West) H.B. No. 2808
1-2 (In the Senate - Received from the House April 29, 2009;
1-3 May 1, 2009, read first time and referred to Committee on Criminal
1-4 Justice; May 22, 2009, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the power of a licensing authority to revoke, suspend,
1-9 or deny a license on the basis of certain criminal proceedings.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 53.021, Occupations Code, is amended by
1-12 adding Subsections (c), (d), and (e) to read as follows:

1-13 (c) Except as provided by Subsections (d) and (e),
1-14 notwithstanding any other law, a licensing authority may not
1-15 consider a person to have been convicted of an offense for purposes
1-16 of this section if, regardless of the statutory authorization:

1-17 (1) the person entered a plea of guilty or nolo
1-18 contendere;

1-19 (2) the judge deferred further proceedings without
1-20 entering an adjudication of guilt and placed the person under the
1-21 supervision of the court or an officer under the supervision of the
1-22 court; and

1-23 (3) at the end of the period of supervision, the judge
1-24 dismissed the proceedings and discharged the person.

1-25 (d) A licensing authority may consider a person to have been
1-26 convicted of an offense for purposes of this section regardless of
1-27 whether the proceedings were dismissed and the person was
1-28 discharged as described by Subsection (c) if, after consideration
1-29 of the factors described by Sections 53.022 and 53.023(a), the
1-30 licensing authority determines that:

1-31 (1) the person may pose a continued threat to public
1-32 safety; or

1-33 (2) employment of the person in the licensed
1-34 occupation would create a situation in which the person has an
1-35 opportunity to repeat the prohibited conduct.

1-36 (e) Subsection (c) does not apply if the person is an
1-37 applicant for or the holder of a license that authorizes the person
1-38 to provide law enforcement or public health, education, or safety
1-39 services.

1-40 SECTION 2. This Act takes effect immediately if it receives
1-41 a vote of two-thirds of all the members elected to each house, as
1-42 provided by Section 39, Article III, Texas Constitution. If this
1-43 Act does not receive the vote necessary for immediate effect, this
1-44 Act takes effect September 1, 2009.

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