

1-1 By: West S.B. No. 224  
1-2 (In the Senate - Filed November 10, 2008; February 11, 2009,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 15, 2009, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; April 15, 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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