

SENATE AMENDMENTS

2nd Printing

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.

ADOPTED

MAY 26 2009

FLOOR AMENDMENT NO. 1

Atay Law
Secretary of the Senate

BY: *Roger W. N.*

1 Amend H.B. No. 2808, in SECTION 1 of the bill, in added
2 Section 53.021(e), Occupations Code, (senate committee printing,
3 page 1) by striking lines 38-39 and substituting the following:

4 to provide:

5 (1) law enforcement or public health, education, or
6 safety services; or

7 (2) financial services in an industry regulated by a
8 person listed in Section 411.081(i)(19), Government Code.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2808 by Thompson (Relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.

Based on information provided by the Department of Licensing and Regulation, it is assumed that any additional costs associated with implementing the provisions of the bill could be absorbed by utilizing existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JOB, JRO, ES, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2808 by Thompson (Relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

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Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JOB, JRO, ES, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 14, 2009

TO: Honorable Edmund Kuempel, Chair, House Committee on Licensing & Administrative Procedures

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2808 by Thompson (Relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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Local Government Impact

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Source Agencies: 452 Department of Licensing and Regulation

LBB Staff: JOB, JRO, ES, ESi

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2808 by Thompson (Relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.), **As Engrossed**

No significant impact on the programs and workload of state corrections agencies or on the demand for resources and services of those agencies is anticipated from any provisions of this bill that authorize or require a change in the sanctions applicable to adults convicted of felony crimes.

Source Agencies:

LBB Staff: JOB, LM