

House Bill 2808
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

(e) Subsection (c) does not apply if the person is an applicant for or the holder of a license that authorizes the

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person to provide law enforcement or public health, education, or safety services.

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

SENATE VERSION

person to provide:
(1) law enforcement or public health, education, or safety services; or
(2) financial services in an industry regulated by a person listed in Section 411.081(i)(19), Government Code.

Same as House version.

CONFERENCE