

By: Thompson of Harris

H.B. No. 1659

Substitute the following for H.B. No. 1659:

By: Smith

C.S.H.B. No. 1659

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain actions taken by certain licensing authorities
3 regarding a license holder or applicant who received deferred
4 adjudication for certain offenses.

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

6 SECTION 1. Section 51.356, Occupations Code, is amended to
7 read as follows:

8 Sec. 51.356. DEFERRED ADJUDICATION; LICENSE SUSPENSION,
9 LICENSE REVOCATION, OR DENIAL OR REFUSAL TO RENEW LICENSE. (a) The
10 commission may deny, suspend, revoke, or refuse to renew a license
11 or other authorization issued by a program regulated by the
12 department if:

13 (1) [the commission determines that a deferred
14 adjudication makes] the person holding or seeking the license
15 received deferred adjudication for:

16 (A) an offense for which the person would be
17 required to register as a sex offender under Chapter 62, Code of
18 Criminal Procedure; or

19 (B) an offense other than an offense described by
20 Paragraph (A) if:

21 (i) the person completed the period of
22 deferred adjudication less than five years before the date the
23 person applied for the license, unless an order of nondisclosure
24 regarding the offense has been issued under Section 411.081,

1 Government Code; or

2 (ii) a conviction for the offense would
3 make the person ineligible for the license; and

4 (2) the commission determines that the deferred
5 adjudication makes the person unfit for the license.

6 (b) In making a determination under Subsection (a)(2)
7 [~~(a)~~], the commission shall consider the factors set forth in
8 Sections 53.022 and 53.023 and the guidelines issued by the
9 department under Section 53.025.

10 SECTION 2. Section 53.021(d), Occupations Code, is amended
11 to read as follows:

12 (d) A licensing authority may consider a person to have been
13 convicted of an offense for purposes of this section regardless of
14 whether the proceedings were dismissed and the person was
15 discharged as described by Subsection (c) if:

16 (1) the person was charged with:

17 (A) an offense that would require the person to
18 register as a sex offender under Chapter 62, Code of Criminal
19 Procedure; or

20 (B) an offense other than an offense described by
21 Paragraph (A) if:

22 (i) the person completed the period of
23 supervision less than five years before the date the person applied
24 for the license, unless an order of nondisclosure regarding the
25 offense has been issued under Section 411.081, Government Code; or

26 (ii) a conviction for the offense would
27 make the person ineligible for the license; and

1 (2) [~~7~~] after consideration of the factors described
2 by Sections 53.022 and 53.023(a), the licensing authority
3 determines that:

4 (A) [~~(1)~~] the person may pose a continued threat
5 to public safety; or

6 (B) [~~(2)~~] employment of the person in the
7 licensed occupation would create a situation in which the person
8 has an opportunity to repeat the prohibited conduct.

9 SECTION 3. The change in law made by this Act applies to an
10 application for, or a disciplinary proceeding regarding, a license
11 or other authorization that is pending with a licensing authority
12 on the effective date of this Act or an application filed or a
13 disciplinary proceeding commenced on or after that date.

14 SECTION 4. This Act takes effect September 1, 2013.