

By: Thompson of Harris

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. The heading to Section 51.356, Occupations Code,
7 is amended to read as follows:

8 Sec. 51.356. DEFERRED ADJUDICATION FOR SEX OFFENDER;
9 LICENSE SUSPENSION, LICENSE REVOCATION, OR DENIAL OR REFUSAL TO
10 RENEW LICENSE.

11 SECTION 2. Section 51.356(a), Occupations Code, is amended
12 to read as follows:

13 (a) The commission may deny, suspend, revoke, or refuse to
14 renew a license or other authorization issued by a program
15 regulated by the department if:

16 (1) [the commission determines that a deferred
17 adjudication makes] the person holding or seeking the license
18 received deferred adjudication for an offense for which the person
19 would be required to register as a sex offender under Chapter 62,
20 Code of Criminal Procedure; and

21 (2) the commission determines that the deferred
22 adjudication makes the person unfit for the license.

23 SECTION 3. Section 53.021(d), Occupations Code, is amended
24 to read as follows:

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

5 (1) the person was charged with an offense that would
6 require the person to register as a sex offender under Chapter 62,
7 Code of Criminal Procedure; and

8 (2) [~~7~~] after consideration of the factors described
9 by Sections 53.022 and 53.023(a), the licensing authority
10 determines that:

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

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

16 SECTION 4. The change in law made by this Act applies to an
17 application for, or a disciplinary proceeding regarding, a license
18 or other authorization that is pending with a licensing authority
19 on the effective date of this Act or an application filed or a
20 disciplinary proceeding commenced on or after that date.

21 SECTION 5. This Act takes effect September 1, 2013.