

SENATE AMENDMENTS

2nd Printing

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. 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

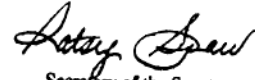
6 (B) [~~(2)~~] employment of the person in the
7 licensed occupation would create a situation in which the person
8 has an opportunity to repeat the prohibited conduct.

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.

ADOPTED

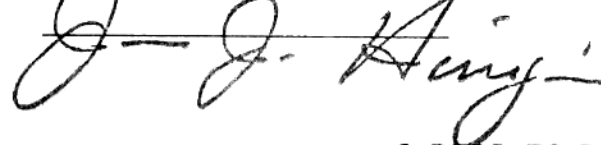
MAY 22 2013


Secretary of the Senate

By: _____

H.B. No. 1659

Substitute the following for ____B. No. ____:

By: 

C.S. H.B. No. 1659

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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) any offense described by Article 62.001(5),
17 Code of Criminal Procedure; or

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

20 (i) the person has not completed the period
21 of deferred adjudication or the person completed the period of
22 deferred adjudication less than five years before the date the
23 person applied for the license; or

24 (ii) a conviction for the offense would

1 make the person ineligible for the license by operation of law; and
2 (2) the commission determines that the deferred
3 adjudication makes the person unfit for the license.

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

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

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

14 (1) the person was charged with:

15 (A) any offense described by Article 62.001(5),
16 Code of Criminal Procedure; or

17 (B) an offense other than an offense described by
18 Paragraph (A) if:

19 (i) the person has not completed the period
20 of supervision or the person completed the period of supervision
21 less than five years before the date the person applied for the
22 license; or

23 (ii) a conviction for the offense would
24 make the person ineligible for the license by operation of law; and

25 (2) [7] after consideration of the factors described
26 by Sections 53.022 and 53.023(a), the licensing authority
27 determines that:

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

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

6 SECTION 3. The change in law made by this Act applies to an
7 application for a license or other authorization that is filed, or a
8 proceeding to revoke or suspend a license or authorization that is
9 commenced, on or after the effective date of this Act.

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

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 23, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1659 by Thompson, Senfronia (Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.

Based on information provided by the Department of Licensing and Regulation, Office of the Attorney General, and Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: UP, SD, ESi, CWS, RB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 17, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1659 by Thompson, Senfronia (Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Occupations Code relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.

Based on information provided by the Department of Licensing and Regulation, Office of the Attorney General, and Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: UP, ESi, CWS, RB

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

May 15, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1659 by Thompson, Senfronia (Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Occupations Code relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.

Based on information provided by the Department of Licensing and Regulation, Office of the Attorney General, and Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: UP, ESi, CWS, RB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 25, 2013

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1659** by Thompson, Senfronia (Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Occupations Code relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.

Based on information provided by the Department of Licensing and Regulation, Office of the Attorney General, and Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: UP, CWS, RB

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 12, 2013

TO: Honorable Wayne Smith, Chair, House Committee on Licensing & Administrative Procedures

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1659 by Thompson, Senfronia (Relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.), **As Introduced**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Occupations Code relating to certain actions taken by certain licensing authorities regarding a license holder or applicant who received deferred adjudication for certain offenses.

Based on information provided by the Department of Licensing and Regulation, Office of the Attorney General, and Department of Public Safety, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety, 452 Department of Licensing and Regulation

LBB Staff: UP, RB, CWS