

House Bill 1659
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

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

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

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

SECTION 2. Section 53.021(d), Occupations Code, is

SENATE VERSION (CS)

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

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

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

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

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

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

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

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

SECTION 2. Section 53.021(d), Occupations Code, is

CONFERENCE

House Bill 1659
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

amended to read as follows:

(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:

(1) the person was charged with:

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

or

(B) an offense other than an offense described by Paragraph

(A) if:

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

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

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

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

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

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

SENATE VERSION (CS)

amended to read as follows:

(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:

(1) the person was charged with:

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

(B) an offense other than an offense described by Paragraph

(A) if:

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

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

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

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

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

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

CONFERENCE

House Bill 1659
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

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

SECTION 4. Same as House version.