

By: Canales

H.B. No. 215

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the rights of certain defendants who successfully
3 complete a term of community supervision.

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

5 SECTION 1. Article [42A.701](#), Code of Criminal Procedure, is
6 amended by amending Subsection (f) and adding Subsections (f-1),
7 (f-2), (f-3), and (f-4) to read as follows:

8 (f) If the judge discharges the defendant under this
9 article, not later than the 30th day after the date of the
10 defendant's discharge the judge may set aside the verdict or permit
11 the defendant to withdraw the defendant's plea. A judge acting
12 under this subsection shall dismiss the accusation, complaint,
13 information, or indictment against the defendant. A defendant who
14 receives a discharge and dismissal under this subsection is
15 released from all penalties and disabilities resulting from the
16 offense of which the defendant has been convicted or to which the
17 defendant has pleaded guilty, except that:

18 (1) proof of the conviction or plea of guilty shall be
19 made known to the judge if the defendant is convicted of any
20 subsequent offense; and

21 (2) if the defendant is an applicant for or the holder
22 of a license under Chapter [42](#), Human Resources Code, the Department
23 of Family and Protective Services may consider the fact that the
24 defendant previously has received community supervision under this

1 chapter in issuing, renewing, denying, or revoking a license under
2 Chapter 42, Human Resources Code.

3 (f-1) If the judge sets aside the verdict or permits the
4 defendant to withdraw the defendant's plea and dismisses the
5 accusation, complaint, information, or indictment against the
6 defendant under Subsection (f), the defendant is not considered to
7 have been convicted of an offense and:

8 (1) a licensing authority may not deny an application
9 for an occupational license, suspend, revoke, or refuse to renew an
10 occupational license, or take any other disciplinary action against
11 the defendant based on the offense of which the defendant otherwise
12 would have been convicted or to which the defendant has pleaded
13 guilty; and

14 (2) the defendant may not be denied a benefit or
15 subject to any civil disability or disqualification based on the
16 offense of which the defendant otherwise would have been convicted
17 or to which the defendant has pleaded guilty.

18 (f-2) Subsection (f-1) supersedes any conflicting state
19 statute enacted before September 1, 2017, that purports to deny a
20 benefit or impose a disability or disqualification.

21 (f-3) Subsection (f-1) supersedes any conflicting state
22 statute enacted on or after September 1, 2017, unless the statute
23 expressly provides otherwise.

24 (f-4) A dismissal under Subsection (f) does not release the
25 defendant from the obligation to pay any required restitution,
26 finances, costs, or fees ordered by the court.

27 SECTION 2. This Act takes effect September 1, 2017.