

1-1 By: Allen, White (Senate Sponsor - Burton) H.B. No. 1426
 1-2 (In the Senate - Received from the House May 3, 2017;
 1-3 May 10, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 19, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 1;
 1-6 May 19, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10		X		
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1426 By: Whitmire

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the issuance of a certificate of relief from collateral
 1-22 consequences to certain persons placed on community supervision,
 1-23 including deferred adjudication community supervision, for certain
 1-24 criminal offenses.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Title 1, Code of Criminal Procedure, is amended
 1-27 by adding Chapter 68 to read as follows:

1-28 CHAPTER 68. CERTIFICATE OF RELIEF FROM COLLATERAL CONSEQUENCES

1-29 Art. 68.001. DEFINITIONS. In this chapter:

1-30 (1) "Certificate" means a certificate of relief from
 1-31 collateral consequences issued under this chapter.

1-32 (2) "Collateral consequence" means, as an indirect
 1-33 consequence of a person's criminal history record information, the
 1-34 revocation, suspension, or denial of licensure under Section
 1-35 53.021, Occupations Code.

1-36 (3) "Criminal history record information" has the
 1-37 meaning assigned by Section 411.082, Government Code.

1-38 Art. 68.002. ELIGIBILITY. Except as otherwise provided by
 1-39 this article, a person is eligible for a certificate if the person
 1-40 satisfactorily completed:

1-41 (1) a term of deferred adjudication community
 1-42 supervision and the judge has dismissed the proceedings and
 1-43 discharged the person under Article 42A.111; or

1-44 (2) a term of community supervision and the person's
 1-45 conviction is set aside under Article 42A.701.

1-46 Art. 68.003. PROVISION OR DENIAL OF CERTIFICATE. (a) Not
 1-47 later than the 30th day after the date the court receives
 1-48 verification that an individual has satisfactorily completed the
 1-49 eligibility requirements, as provided by Article 68.002, the court
 1-50 shall:

1-51 (1) issue the certificate; or

1-52 (2) deny issuance of the certificate and provide the
 1-53 specific reason for the denial.

1-54 (b) In determining whether to issue a certificate to an
 1-55 eligible individual, the court shall consider the individual's
 1-56 conduct and progress following placement on community supervision,
 1-57 including:

1-58 (1) the individual's efforts to satisfactorily fulfill
 1-59 the conditions of community supervision;

1-60 (2) the individual's satisfactory participation in

2-1 rehabilitative courses or programs, including substance abuse
2-2 treatment, vocational training courses, cognitive intervention,
2-3 anger management courses, high school equivalency programs, or
2-4 other courses or programs, regardless of whether the participation
2-5 was ordered as a condition of community supervision;

2-6 (3) the individual's past or current participation in
2-7 community organizations or programs, including faith-based
2-8 programs, 12-step or similar self-help chemical dependency
2-9 recovery programs, or other pro-social organizations; and

2-10 (4) the individual's education or employment history
2-11 following placement on community supervision, including whether
2-12 the individual is employed or diligently attempting to obtain an
2-13 education or seek employment.

2-14 (c) An individual whose petition for a certificate is denied
2-15 may reapply for the issuance of a certificate relating to the same
2-16 offense after the first anniversary of the denial.

2-17 Art. 68.004. CONTENT OF CERTIFICATE. A certificate must
2-18 state that the recipient has completed a term of community
2-19 supervision and all requirements imposed by the court related to
2-20 the offense and is relieved of all penalties, disqualifications,
2-21 and disabilities resulting from the offense.

2-22 Art. 68.005. EFFECT OF CERTIFICATE. (a) If a person has
2-23 met the eligibility requirements under Article 68.002, the person's
2-24 criminal history record information for the offense that is the
2-25 subject of the certificate may not be used as grounds for denying,
2-26 suspending, or revoking a professional or occupational license to
2-27 the person, provided that the person is otherwise qualified for the
2-28 license, unless the offense that is the subject of the certificate:

2-29 (1) was an offense:
2-30 (A) under Chapter 21 or 43, Penal Code, other
2-31 than an offense under Section 43.02(a) of that code; or
2-32 (B) listed in Article 42A.054 or 62.001(5) or (6)
2-33 of this code; or

2-34 (2) relates to the profession or occupation for which
2-35 the person holds or is seeking a license.

2-36 (b) If a licensing authority is prohibited by law from
2-37 granting a specific occupational license to a person who has been
2-38 convicted of or placed on deferred adjudication community
2-39 supervision for a specific offense, a certificate does not overcome
2-40 that prohibition.

2-41 (c) Subsection (a) does not apply to a professional license
2-42 issued under Subtitle A, Title 5, or Title 10, Occupations Code. An
2-43 agency that issues licenses under those provisions shall comply
2-44 with Sections 53.022 and 53.023 of that code in determining whether
2-45 a person qualifies for a license.

2-46 (d) Subsection (a) does not prohibit a licensing agency from
2-47 restricting a person to a provisional or probationary license.

2-48 Art. 68.006. NULLIFICATION OF CERTIFICATE. The effect of a
2-49 person's certificate is nullified if the appropriate licensing
2-50 authority finds that the person, after receiving the certificate,
2-51 has committed an offense that is a Class A misdemeanor or higher
2-52 category of offense.

2-53 SECTION 2. This Act takes effect immediately if it receives
2-54 a vote of two-thirds of all the members elected to each house, as
2-55 provided by Section 39, Article III, Texas Constitution. If this
2-56 Act does not receive the vote necessary for immediate effect, this
2-57 Act takes effect September 1, 2017.

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