

BILL ANALYSIS

C.S.H.B. 574
By: Dutton
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the frequency with which some defendants who have successfully completed deferred adjudication community supervision are denied employment opportunities, professional licenses, and opportunities to acquire housing. C.S.H.B. 574 seeks to address this issue by preventing the use of such successful completion as the basis for denying an otherwise qualified individual those opportunities.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 574 amends the Code of Criminal Procedure to prohibit an offense for which a defendant received a dismissal and discharge on or before the expiration of the individual's deferred adjudication community supervision period from being used as grounds for:

- denying housing or employment to, or terminating the existing housing or employment of, an individual otherwise entitled to or qualified for the housing or employment, or
- denying issuance of a professional or occupational license to, or suspending or revoking the professional or occupational license of, an individual otherwise entitled to or qualified for the license.

The bill restricts the use of such an offense for which the defendant received a dismissal and discharge to determining punishment for certain repeat and habitual felony offenders and to a purpose otherwise described under statutory provisions relating to a dismissal or discharge from deferred adjudication community supervision. The bill sets out certain exceptions under which such a dismissal and discharge may be used as grounds for denying or terminating housing or employment or for denying, suspending, or revoking a professional or occupational license.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 574 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a prohibition against an offense for which the defendant received the dismissal and discharge being used as grounds for terminating existing housing or employment or for suspending or revoking a professional license.

The substitute includes a prohibition against such an offense being used as grounds for denying, suspending, or revoking an occupational license.

The substitute includes certain exceptions under which such a dismissal and discharge may be used as grounds for denying or terminating housing or employment or for denying, suspending, or revoking a professional or occupational license.