

By: Dutton

H.B. No. 574

A BILL TO BE ENTITLED

AN ACT

relating to the consequences of successfully completing a period of deferred adjudication community supervision.

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

SECTION 1. Article 42A.111, Code of Criminal Procedure, is amended by adding Subsection (c-1) and amending Subsection (d) to read as follows:

(c-1) Notwithstanding any other law, a dismissal and discharge under this article may be used only as described by Section 12.42(g)(1), Penal Code, or as otherwise described by this article. A dismissal and discharge under this article may not be used as grounds for denying housing, employment, or a professional license to an individual who is otherwise entitled to or qualified for the housing, employment, or license.

(d) For any defendant who receives a dismissal and discharge under this article, [+

~~[(1)]~~ on conviction of a subsequent offense, the fact that the defendant previously has received deferred adjudication community supervision is admissible before the court or jury for consideration on the issue of penalty[+]

~~[(2) if the defendant is an applicant for or the holder of a license under Chapter 42, Human Resources Code, the Department of Family and Protective Services may consider the fact that the defendant previously has received deferred adjudication community~~

1 ~~supervision in issuing, renewing, denying, or revoking a license~~
2 ~~under that chapter; and~~

3 ~~[(3) if the defendant is an applicant for or the holder~~
4 ~~of a license to provide mental health or medical services for the~~
5 ~~rehabilitation of sex offenders, the Council on Sex Offender~~
6 ~~Treatment may consider the fact that the defendant previously has~~
7 ~~received deferred adjudication community supervision in issuing,~~
8 ~~renewing, denying, or revoking a license issued by that council].~~

9 SECTION 2. The change in law made by this Act applies only
10 to a defendant placed on deferred adjudication community
11 supervision for an offense committed on or after the effective date
12 of this Act. A defendant placed on deferred adjudication community
13 supervision for an offense committed before the effective date of
14 this Act is governed by the law in effect on the date the offense was
15 committed, and the former law is continued in effect for that
16 purpose. For purposes of this section, an offense was committed
17 before the effective date of this Act if any element of the offense
18 was committed before that date.

19 SECTION 3. This Act takes effect September 1, 2019.