

By: Dutton

H.B. No. 757

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the consequences of receiving a grant of deferred  
3 adjudication community supervision and successfully completing the  
4 period of supervision.

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

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

9 (c-1) Notwithstanding any other law, an offense for which  
10 the defendant received a dismissal and discharge under this article  
11 may be used only as described by Section [12.42\(g\)\(1\)](#), Penal Code, or  
12 as otherwise described by this article. Subject to Subsection (d),  
13 an offense for which the defendant received a dismissal and  
14 discharge under this article may not be used as grounds for denying  
15 issuance of a professional or occupational license or certificate  
16 to, or suspending or revoking the professional or occupational  
17 license or certificate of, an individual otherwise entitled to or  
18 qualified for the license or certificate.

19 (d) For any defendant who receives a dismissal and discharge  
20 under this article:

21 (1) on conviction of a subsequent offense, the fact  
22 that the defendant previously has received deferred adjudication  
23 community supervision is admissible before the court or jury for  
24 consideration on the issue of penalty;

1           (2) if the defendant is an applicant for or the holder  
2 of a license under Chapter 42, Human Resources Code, the Department  
3 of Family and Protective Services may consider the fact that the  
4 defendant previously has received deferred adjudication community  
5 supervision in issuing, renewing, denying, or revoking a license  
6 under that chapter; ~~and~~

7           (3) if the defendant is an applicant for or the holder  
8 of a license to provide mental health or medical services for the  
9 rehabilitation of sex offenders, the Council on Sex Offender  
10 Treatment may consider the fact that the defendant previously has  
11 received deferred adjudication community supervision in issuing,  
12 renewing, denying, or revoking a license issued by that council;  
13 and

14           (4) if the defendant is an applicant for or the holder  
15 of a professional or occupational license or certificate, the  
16 licensing agency may consider the fact that the defendant  
17 previously has received deferred adjudication community  
18 supervision in issuing, renewing, denying, or revoking a license or  
19 certificate if:

20                   (A) the defendant was placed on deferred  
21 adjudication community supervision for an offense:

22                           (i) listed in Article 42A.054(a);  
23                           (ii) described by Article 62.001(5) or (6);  
24                           (iii) committed under Chapter 21 or 43,  
25 Penal Code; or

26                           (iv) related to the activity or conduct for  
27 which the person seeks or holds the license; or

1                   (B) the profession for which the person holds or  
2 seeks a license or certificate involves direct contact with  
3 children in the normal course of official duties or duties for which  
4 the license or certification is required.

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

15           SECTION 3. This Act takes effect September 1, 2021.