

By: Dutton

H.B. No. 757

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 Subsections (c-1) and (c-2) and amending Subsection (d) to read as follows:

(c-1) Notwithstanding any other law, an offense for which the defendant received 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. Subject to Subsection (c-2), an offense for which the defendant received a dismissal and discharge under this article may not be used as grounds for:

(1) 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

(2) 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.

(c-2) An offense for which the defendant received a discharge and dismissal under this article may be used as grounds for:

(1) denying or terminating housing or employment, if

1 the offense is:

2 (A) listed in Article 42A.054(a);

3 (B) described by Article 62.001(5) or (6); or

4 (C) committed under Chapter 21 or 43, Penal Code;

5 or

6 (2) denying, suspending, or revoking a professional or
7 occupational license, if the offense is:

8 (A) described by Subdivision (1)(A), (B), or (C);

9 or

10 (B) related to the activity or conduct for which
11 the person seeks or holds the license.

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

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

18 ~~[(2) if the defendant is an applicant for or the holder~~
19 ~~of a license under Chapter 42, Human Resources Code, the Department~~
20 ~~of Family and Protective Services may consider the fact that the~~
21 ~~defendant previously has received deferred adjudication community~~
22 ~~supervision in issuing, renewing, denying, or revoking a license~~
23 ~~under that chapter, and~~

24 ~~[(3) if the defendant is an applicant for or the holder~~
25 ~~of a license to provide mental health or medical services for the~~
26 ~~rehabilitation of sex offenders, the Council on Sex Offender~~
27 ~~Treatment may consider the fact that the defendant previously has~~

1 ~~received deferred adjudication community supervision in issuing,~~
2 ~~renewing, denying, or revoking a license issued by that council].~~

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

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