

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

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.

ADOPTED

MAY 26 2021

*Lately Law*  
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: 

1 Amend H.B. No. 757 (senate committee report) in SECTION 1 of  
2 the bill as follows:

3 (1) In added Article 42A.111(c-1), Code of Criminal  
4 Procedure (page 1, lines 24-27), strike the following:

5 Notwithstanding any other law, an offense for which the  
6 defendant received a dismissal and discharge under this article may  
7 be used only as described by Section 12.42(g)(1), Penal Code, or as  
8 otherwise described by this article.

9 (2) In added Article 42A.111(d)(4)(A)(iv), Code of Criminal  
10 Procedure (page 2, line 5), following the underlined semicolon,  
11 strike "or".

12 (3) In added Article 42A.111(d)(4)(B), Code of Criminal  
13 Procedure (page 2, line 6), strike "person" and substitute  
14 "defendant".

15 (4) In added Article 42A.111(d)(4)(B), Code of Criminal  
16 Procedure (page 2, line 9), between "required" and the period,  
17 insert the following:

18 ; or

19 (C) the defendant is an applicant for or the  
20 holder of a license or certificate issued under Chapter 1701,  
21 Occupations Code

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 27, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB757** by Dutton (Relating to the consequences of receiving a grant of deferred adjudication community supervision and successfully completing the period of supervision.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to prohibit the denial, suspension, or revocation of a professional license or certificate to a qualified individual based on completion of deferred adjudication community supervision by a defendant in certain cases. The bill would permit occupational licensing agencies to consider the deferred adjudication in certain instances when issuing, renewing, denying, or revoking a license.

Based on the analysis of the Office of Court Administration, Texas Workforce Commission, and the Department of Family and Protective Services, duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 320 Texas Workforce Commission, 530 Family & Protective Services

**LBB Staff:** JMc, LBO, BH, DKN, WP, MW, DA, GDZ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 20, 2021**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB757** by Dutton (Relating to the consequences of receiving a grant of deferred adjudication community supervision and successfully completing the period of supervision.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure to prohibit the denial, suspension, or revocation of a professional license or certificate to a qualified individual based on completion of deferred adjudication community supervision by a defendant in certain cases. The bill would permit occupational licensing agencies to consider the deferred adjudication in certain instances when issuing, renewing, denying, or revoking a license.

Based on the analysis of the Office of Court Administration, Texas Workforce Commission, and the Department of Family and Protective Services, duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 320 Texas Workforce Commission, 530 Family & Protective Services

**LBB Staff:** JMc, DKN, BH, WP, LBO, MW, DA, GDZ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 20, 2021**

**TO:** Honorable Andrew S. Murr, Chair, House Committee on Corrections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB757** by Dutton (Relating to the consequences of receiving a grant of deferred adjudication community supervision and successfully completing the period of supervision.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to prohibit the denial, suspension, or revocation of a professional license or certificate to a qualified individual based on completion of deferred adjudication community supervision by a defendant in certain cases. The bill would permit occupational licensing agencies to consider the deferred adjudication in certain instances when issuing, renewing, denying, or revoking a license.

Based on the analysis of the Office of Court Administration, Texas Workforce Commission, and the Department of Family and Protective Services, duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 320 Texas Workforce Commission, 530 Family & Protective Services

**LBB Staff:** JMc, DKN, BH, WP, LBO, MW, DA, GDZ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 13, 2021**

**TO:** Honorable Andrew S. Murr, Chair, House Committee on Corrections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB757** by Dutton (Relating to the consequences of successfully completing a period of deferred adjudication community supervision.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to prohibit the denial of housing, employment, or a professional license to a qualified individual based on completion of deferred adjudication community supervision by a defendant in certain cases.

Based on the analysis of the Office of Court Administration, Texas Workforce Commission, and the Department of Family and Protective Services, duties and responsibilities associated with implementing the provisions of the bill could be accomplished utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin, 320 Texas Workforce Commission, 530 Family & Protective Services

**LBB Staff:** JMc, DKN, BH, WP, LBO, MW, DA, GDZ



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**  
**87TH LEGISLATIVE REGULAR SESSION**

**April 20, 2021**

**TO:** Honorable Andrew S. Murr, Chair, House Committee on Corrections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB757** by Dutton (Relating to the consequences of receiving a grant of deferred adjudication community supervision and successfully completing the period of supervision.), **Committee Report 1st House, Substituted**

The provisions of the bill addressed by this analysis would amend the Code of Criminal Procedure as it relates to the consequences of successfully completing a period of deferred adjudication community supervision.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

**Source**

**Agencies:**

**LBB Staff:** JMc, DKN, LM, MP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**CRIMINAL JUSTICE IMPACT STATEMENT**  
**87TH LEGISLATIVE REGULAR SESSION**

**April 13, 2021**

**TO:** Honorable Andrew S. Murr, Chair, House Committee on Corrections

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB757** by Dutton (Relating to the consequences of successfully completing a period of deferred adjudication community supervision.), **As Introduced**

The provisions of the bill addressed by this analysis would amend the Code of Criminal Procedure as it relates to the consequences of successfully completing a period of deferred adjudication community supervision. Under the provisions of the bill, the consequences of successful completion of a period of deferred adjudication community supervision would be amended and expanded.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on the demand for state correctional resources. The bill does not expressly create a felony offense, increase the punishment for an existing misdemeanor to that of a felony, increase the punishment for an existing felony offense or category of felony level offenses, or change the eligibility of a person for felony community supervision, parole, or mandatory supervision.

**Source**

**Agencies:**

**LBB Staff:** JMc, DKN, LM, MP