

**House Bill 757**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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, 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 (d), an offense for which the defendant received a dismissal and discharge under this article may not be used as grounds for denying issuance of a professional or occupational license or certificate to, or suspending or revoking the professional or occupational license or certificate of, an individual otherwise entitled to or qualified for the license or certificate.

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

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

SENATE VERSION (IE)

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) Subject to Subsection (d), an offense for which the defendant received a dismissal and discharge under this article may not be used as grounds for denying issuance of a professional or occupational license or certificate to, or suspending or revoking the professional or occupational license or certificate of, an individual otherwise entitled to or qualified for the license or certificate. [FA1(1)]

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

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

CONFERENCE

**House Bill 757**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

that council; and

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

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

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

(ii) described by Article 62.001(5) or (6);

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

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

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

SECTION 2. The change in law made by this Act applies only to a defendant placed on deferred adjudication community supervision for an offense committed on or after the effective date of this Act. A defendant placed on deferred adjudication community supervision for an offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective

SENATE VERSION (IE)

that council; and

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

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

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

(ii) described by Article 62.001(5) or (6);

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

(iv) related to the activity or conduct for which the person seeks or holds the license; [FA1(2)]

(B) the profession for which the defendant holds or seeks a license or certificate involves direct contact with children in the normal course of official duties or duties for which the license or certification is required; or [FA1(3)-(4)]

(C) the defendant is an applicant for or the holder of a license or certificate issued under Chapter 1701, Occupations Code. [FA1(4)]

SECTION 2. Same as House version.

CONFERENCE

**House Bill 757**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

date of this Act if any element of the offense was committed before that date.

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

SENATE VERSION (IE)

SECTION 3. Same as House version.

CONFERENCE