

SUBJECT: Defining job, housing consequences of deferred adjudication

COMMITTEE: Corrections — committee substitute recommended

VOTE: 9 ayes — White, Allen, Bailes, Bowers, Dean, Morales, Neave, Sherman, Stephenson

0 nays

WITNESSES: For — Douglas Smith, Texas Criminal Justice Coalition; (*Registered, but did not testify*: Terra Tucker, Alliance for Safety and Justice; Nicholas Hudson, American Civil Liberties Union of Texas; Traci Berry, Goodwill Central Texas; Cate Graziani, Grassroots Leadership and Texas Advocates for Justice; Julia Egler, National Alliance on Mental Illness-Texas; Eric Kunish, National Alliance on Mental Illness-Austin; Will Francis, National Association of Social Workers-Texas Chapter; Lori Henning, Texas Association of Goodwills; Alexis Tatum, Travis County Commissioners Court; Alana Madrigal; Maria Person)

Against — (*Registered, but did not testify*: Kent Birdsong, Oldham County Attorney)

On — Carey Green, Texas Department of Criminal Justice; Brad Bowman, Texas Department of Licensing and Regulation; (*Registered, but did not testify*: Christina Kaiser, Texas Department of Licensing and Regulation)

BACKGROUND: Code of Criminal Procedure art. 42A.101 defines deferred adjudication as a form of probation under which a judge, after receiving a plea of guilty or no contest, postpones the determination of guilt while the defendant serves probation. It can result in the defendant being discharged and dismissed upon successful completion of that probation.

Some have suggested that deferred adjudications might be used to deny housing or employment opportunities.

DIGEST: CSHB 574 would prohibit deferred adjudication, subject to certain conditions, from being used as grounds to deny or terminate housing or employment or to deny, suspend, or revoke certain professional or occupational licenses.

Deferred adjudication could be used as grounds to deny or terminate housing if the offense:

- was on the list offenses in Code of Criminal Procedure art. 42A.054 for which judges cannot order community supervision;
- was listed as a reportable conviction or sexually violent offense under the state's sex offender registry; or
- involved certain other sex offenses or public indecency.

Deferred adjudication could be used to deny, suspend, or revoke professional or occupational licenses if the offense was one of the offenses listed above or was related to the activity or conduct for which the person sought or held the license.

Deferred adjudication could continue to be used to enhance certain penalties under the state's repeat and habitual offender statute in Penal Code sec. 12.42(g)(1).

The bill would remove current provisions establishing when deferred adjudication could be considered for applicants or holders of certain licenses relating to child care services and for those providing certain services for sex offenders.

The bill would take effect September 1, 2019, and would apply to defendants placed on deferred adjudication for an offense committed on or after that date.