

SUBJECT: Defining licensing consequences of deferred adjudication

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — Murr, Allen, Bailes, Rodriguez, Sherman, Slaton

0 nays

3 absent — Burrows, Martinez Fischer, White

WITNESSES: For — (*Registered, but did not testify*: Justin Keener, for Doug Deason, Americans for Prosperity, and Libre Initiative; Traci Berry, Goodwill Central Texas; Ender Reed, Harris County Commissioners Court; Jorge Renaud, LatinoJustice; Lori Henning, Texas Association of Goodwills; Jennifer Allmon, The Texas Catholic Conference of Bishops; Julie Wheeler, Travis County Commissioners Court; Sarah Reyes)

Against — (*Registered, but did not testify*: Calvin Tillman)

On — (*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.

Concerns have been raised that individuals have been denied professional or occupational licenses after successfully completing deferred adjudication and having their cases dismissed and that this could present an obstacle to successfully integrating into the community and finding employment.

DIGEST: CSHB 757 would prohibit deferred adjudications which resulted in a deferral and dismissal, subject to certain conditions, from being used to

deny, suspend, or revoke professional or occupational licenses or certificates of an individual otherwise entitled to or qualified for the license or certificate.

Licensing agencies would be authorized to consider the fact that the defendant previously had received deferred adjudication community supervision in issuing, renewing, denying, or revoking a license or certificate if the profession for which the license or certificate was sought involved direct contact with children in the normal course its duties or if the offense:

- was on the list of 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;
- involved certain other sex offenses or public indecency; or
- was related to the activity or conduct for which the person sought or held the license.

The bill would take effect September 1, 2021, and would apply only to defendants placed on deferred adjudication for offenses committed on or after that date.