

BILL ANALYSIS

Senate Research Center
79R4313 UM-D

H.B. 1831
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Criminal Justice
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Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, deferred adjudication, which is not a conviction, is a bar to obtaining a concealed handgun license, even if a person's deferred adjudication occurred many years in the past and the person otherwise has a spotless record. When in court, defendants are often told that if they accept deferred adjudication, they will suffer no consequences once the time period for deferral has run its course. However, this has proven to be incorrect when apply for a concealed handgun license.

H.B. 1831 exempts certain records of deferred adjudications from the definition of "conviction," used by the subchapter on concealed handgun licenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.171(4), Government Code, to redefine "convicted."

SECTION 2. Amends Subchapter H, Chapter 411, Government Code, by adding Section 411.1711, as follows:

Sec. 411.1711. CERTAIN EXEMPTIONS FROM CONVICTIONS. Provides that a person is not convicted, as that term is defined by Section 411.171, if an order of deferred adjudication was entered against the person on a date not less than 10 years preceding the date of the person's application for a license under this subchapter unless the order of deferred adjudication was entered against the person for an offense under Title 5 (Offenses Against the Person), Penal Code, or Chapter 29 (Robbery), Penal Code.

SECTION 3. Effective date: September 1, 2005.