

## **BILL ANALYSIS**

Senate Research Center  
81R312 PEP-D

H.B. 2808  
By: Thompson (West)  
Criminal Justice  
5/7/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Despite the fact that by law, a person who has completed deferred adjudication does not have a conviction, some state agencies, licensing entities, and private sector employers treat deferred adjudication the same as a conviction. There are numerous references in state law where this is done. Therefore, persons could be denied employment and occupational licenses on the basis of a non-conviction. It is estimated that about two million people in Texas have received a deferred adjudication sentence.

H.B. 2808 relates to the powers of licensing authorities to revoke, suspend, or deny a license on the basis of certain proceedings.

### **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 53.021, Occupations Code, by adding Subsections (c)-(e), as follows:

(c) Prohibits a licensing authority, except as provided by Subsections (d) and (e), notwithstanding any other law, from considering a person to have been convicted of an offense for the purposes of this section if, regardless of the statutory authorization, the person entered a plea of guilty or nolo contendere; the judge deferred further proceedings without entering an adjudication of guilt and placed the person under the supervision of the court or an officer under the supervision of the court; and at the end of the period of supervision, the judge dismissed the proceedings and discharged the person.

(d) Authorizes a licensing authority to consider a person to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the person was discharged as described by Subsection (c) if, after consideration of the factors described by Sections 53.022 (Factors In Determining Whether Conviction Relates to Occupation) and 53.023(a) (relating to considerations for determining fitness to perform duties), the licensing authority determines that the person may pose a continued threat to public safety, or employment of the person in the licensed occupation would create a situation in which the person has the opportunity to repeat the prohibited conduct.

(e) Provides that Subsection (c) does not apply if the person is an applicant for or the holder of a license that authorizes the person to provide law enforcement or public health, education, or safety services.

SECTION 2. Effective date: upon passage or September 1, 2009.