

## **BILL ANALYSIS**

C.S.H.B. 183  
By: Dutton  
Corrections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that individuals who have successfully completed deferred adjudication community supervision are too often denied professional licenses. C.S.H.B. 183 seeks to address this issue by prohibiting the completion of a deferred adjudication community supervision period from being used as the basis for denying an otherwise qualified individual a professional license.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 183 amends the Code of Criminal Procedure to prohibit the dismissal and discharge of an individual on or before the expiration of the individual's deferred adjudication community supervision period from being used as grounds for denying a professional license to the individual if the individual is otherwise entitled to or qualified for the license. The bill restricts the use of such a dismissal and discharge to determining punishment for certain repeat and habitual felony offenders and to a purpose authorized under statutory provisions relating to deferred adjudication community supervision.

C.S.H.B. 183 removes the authorization for the Department of Family and Protective Services and the Council on Sex Offender Treatment to consider, in issuing, renewing, denying, or revoking certain licenses within those agencies' respective regulatory jurisdictions of a licensee or license applicant who receives such a dismissal and discharge, the fact that the licensee or applicant has previously received deferred adjudication community supervision.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 183 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

## INTRODUCED

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, 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. A dismissal and discharge under this article may not be used as grounds for denying housing, employment, or a professional license to an individual who is otherwise entitled to or qualified for the housing, employment, or license.

(d) For any defendant who receives a dismissal and discharge under this article, [:(4)] 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 that council].~~

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

## HOUSE COMMITTEE SUBSTITUTE

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, 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. A dismissal and discharge under this article may not be used as grounds for denying a professional license to an individual who is otherwise entitled to or qualified for the license.

(d) For any defendant who receives a dismissal and discharge under this article, [:(4)] 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 that council].~~

SECTION 2. Same as introduced version.

former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.