

By: Allen, White

H.B. No. 1426

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a certificate of relief from collateral consequences to certain persons placed on community supervision, including deferred adjudication community supervision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 1, Code of Criminal Procedure, is amended by adding Chapter 68 to read as follows:

CHAPTER 68. CERTIFICATE OF RELIEF FROM COLLATERAL CONSEQUENCES

Art. 68.001. DEFINITIONS. In this chapter:

(1) "Certificate" means a certificate of relief from collateral consequences issued under this chapter.

(2) "Collateral consequence" means, as an indirect consequence of a person's criminal history record information, the revocation, suspension, or denial of licensure under Section [53.021](#), Occupations Code.

(3) "Criminal history record information" has the meaning assigned by Section [411.082](#), Government Code.

Art. 68.002. ELIGIBILITY. Except as otherwise provided by this article, a person is eligible for a certificate if the person satisfactorily completed:

(1) a term of deferred adjudication community supervision and the judge has dismissed the proceedings and discharged the person under Article [42A.111](#); or

(2) a term of community supervision and the person's

1 conviction is set aside under Article 42A.701.

2 Art. 68.003. PROVISION OF CERTIFICATE. The court shall
3 provide a certificate to an eligible individual not later than the
4 30th day after the date the court receives verification that the
5 person has satisfactorily completed the eligibility requirements,
6 as provided by Article 68.002.

7 Art. 68.004. CONTENT OF CERTIFICATE. A certificate must
8 state that the recipient has completed a term of community
9 supervision and all requirements imposed by the court related to
10 the offense and is relieved of all penalties, disqualifications,
11 and disabilities resulting from the offense.

12 Art. 68.005. EFFECT OF CERTIFICATE. (a) If a person has
13 met the eligibility requirements under Article 68.002, the person's
14 criminal history record information for the offense that is the
15 subject of the certificate may not be used as grounds for denying,
16 suspending, or revoking a professional or occupational license to
17 the person, provided that the person is otherwise qualified for the
18 license, unless the offense that is the subject of the certificate:

- 19 (1) was an offense:
20 (A) under Chapter 21 or 43, Penal Code; or
21 (B) listed in Article 42A.054 or 62.001(5) or
22 (6), Code of Criminal Procedure; or

23 (2) relates to the profession or occupation for which
24 the person holds or is seeking a license.

25 (b) If a licensing authority is prohibited by law from
26 granting a specific occupational license to a person who has been
27 convicted of or placed on deferred adjudication community

1 supervision for a specific offense, a certificate does not overcome
2 that prohibition.

3 (c) Subsection (a) does not apply to a professional license
4 issued under Subtitle A, Title 5, or Title 10, Occupations Code. An
5 agency that issues licenses under those provisions shall comply
6 with Sections 53.022 and 53.023 of that code in determining whether
7 a person qualifies for a license.

8 (d) Subsection (a) does not prohibit a licensing agency from
9 restricting a person to a provisional or probationary license.

10 Art. 68.006. NULLIFICATION OF CERTIFICATE. The effect of a
11 person's certificate is nullified if the appropriate licensing
12 authority finds that the person, after receiving the certificate,
13 has committed an offense that is a Class A misdemeanor or higher
14 category of offense.

15 SECTION 2. The change in law made by this Act applies to a
16 person eligible for a certificate under Article 68.002, Code of
17 Criminal Procedure, as added by this Act, regardless of whether the
18 person completed a term of community supervision before, on, or
19 after that date.

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2017.