

By: Allen, White

H.B. No. 1426

Substitute the following for H.B. No. 1426:

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C.S.H.B. No. 1426

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the issuance of a certificate of relief from collateral
3 consequences to certain persons placed on community supervision,
4 including deferred adjudication community supervision.

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

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

8 CHAPTER 68. CERTIFICATE OF RELIEF FROM COLLATERAL CONSEQUENCES

9 Art. 68.001. DEFINITIONS. In this chapter:

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

12 (2) "Collateral consequence" means, as an indirect
13 consequence of a person's criminal history record information, the
14 revocation, suspension, or denial of licensure under Section
15 53.021, Occupations Code.

16 (3) "Criminal history record information" has the
17 meaning assigned by Section 411.082, Government Code.

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

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

24 (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 person becomes eligible for the
5 certificate, as provided by Article 68.002.

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

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

17 (b) If a licensing authority is prohibited by law from
18 granting a specific occupational license to a person who has been
19 convicted of or placed on deferred adjudication community
20 supervision for a specific offense, a certificate does not overcome
21 that prohibition.

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

27 (d) Subsection (a) does not prohibit a licensing agency from

1 restricting a person to a provisional or probationary license.

2 Art. 68.006. NULLIFICATION OF CERTIFICATE. The effect of a
3 person's certificate is nullified if the appropriate licensing
4 authority finds that the person, after receiving the certificate,
5 has committed an offense that is a Class A misdemeanor or higher
6 category of offense.

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

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