

AN ACT

relating to the power of a licensing authority to revoke, suspend, or deny a license on the basis of certain criminal proceedings.

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

SECTION 1. Section 53.021, Occupations Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) Except as provided by Subsections (d) and (e), notwithstanding any other law, a licensing authority may not consider a person to have been convicted of an offense for purposes of this section if, regardless of the statutory authorization:

(1) the person entered a plea of guilty or nolo contendere;

(2) 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

(3) at the end of the period of supervision, the judge dismissed the proceedings and discharged the person.

(d) A licensing authority may 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 and 53.023(a), the licensing authority determines that:

1 (1) the person may pose a continued threat to public
2 safety; or

3 (2) employment of the person in the licensed
4 occupation would create a situation in which the person has an
5 opportunity to repeat the prohibited conduct.

6 (e) Subsection (c) does not apply if the person is an
7 applicant for or the holder of a license that authorizes the person
8 to provide:

9 (1) law enforcement or public health, education, or
10 safety services; or

11 (2) financial services in an industry regulated by a
12 person listed in Section 411.081(i)(19), Government Code.

13 SECTION 2. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 2808 was passed by the House on April 28, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2808 on May 29, 2009, by the following vote: Yeas 139, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2808 was passed by the Senate, with amendments, on May 26, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor