

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, for certain criminal offenses.

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

1           (2) a term of community supervision and the person's  
2 conviction is set aside under Article 42A.701.

3           Art. 68.003. PROVISION OR DENIAL OF CERTIFICATE. (a) Not  
4 later than the 30th day after the date the court receives  
5 verification that an individual has satisfactorily completed the  
6 eligibility requirements, as provided by Article 68.002, the court  
7 shall:

8                   (1) issue the certificate; or

9                   (2) deny issuance of the certificate and provide the  
10 specific reason for the denial.

11           (b) In determining whether to issue a certificate to an  
12 eligible individual, the court shall consider the individual's  
13 conduct and progress following placement on community supervision,  
14 including:

15                   (1) the individual's efforts to satisfactorily fulfill  
16 the conditions of community supervision;

17                   (2) the individual's satisfactory participation in  
18 rehabilitative courses or programs, including substance abuse  
19 treatment, vocational training courses, cognitive intervention,  
20 anger management courses, high school equivalency programs, or  
21 other courses or programs, regardless of whether the participation  
22 was ordered as a condition of community supervision;

23                   (3) the individual's past or current participation in  
24 community organizations or programs, including faith-based  
25 programs, 12-step or similar self-help chemical dependency  
26 recovery programs, or other pro-social organizations; and

27                   (4) the individual's education or employment history

1 following placement on community supervision, including whether  
2 the individual is employed or diligently attempting to obtain an  
3 education or seek employment.

4 (c) An individual whose petition for a certificate is denied  
5 may reapply for the issuance of a certificate relating to the same  
6 offense after the first anniversary of the denial.

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, other  
21 than an offense under Section 43.02(a) of that code; or

22 (B) listed in Article 42A.054 or 62.001(5) or (6)  
23 of this code; or

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

26 (b) If a licensing authority is prohibited by law from  
27 granting a specific occupational license to a person who has been

1 convicted of or placed on deferred adjudication community  
2 supervision for a specific offense, a certificate does not overcome  
3 that prohibition.

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

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

11 (e) Subsection (a) does not apply to:

12 (1) an educator employed by or seeking employment by a  
13 school district, district of innovation, open-enrollment charter  
14 school, regional education service center, or shared services  
15 arrangement;

16 (2) a person who holds or seeks a certificate issued by  
17 the State Board for Educator Certification under Subchapter B,  
18 Chapter 21, Education Code; or

19 (3) a person required to be licensed by a state agency  
20 to be employed by a school district, as provided by Section 21.003,  
21 Education Code.

22 Art. 68.006. NULLIFICATION OF CERTIFICATE. The effect of a  
23 person's certificate is nullified if the appropriate licensing  
24 authority finds that the person, after receiving the certificate,  
25 has committed an offense that is a Class A misdemeanor or higher  
26 category of offense.

27 SECTION 2. This Act takes effect immediately if it receives

H.B. No. 1426

1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1426 was passed by the House on May 3, 2017, by the following vote: Yeas 129, Nays 17, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1426 on May 25, 2017, by the following vote: Yeas 119, Nays 25, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1426 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 28, Nays 3.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor