

SUBJECT: Creating a certificate of relief from collateral consequences

COMMITTEE: Corrections — committee substitute recommended

VOTE: 6 ayes — White, Allen, S. Davis, Romero, Sanford, Tinderholt

1 nay — Schaefer

WITNESSES: For — Joey Gidseg, Austin Justice Coalition; Annette Price, Austin/Travis County Reentry Roundtable; Kathryn Freeman, Christian Life Commission; Reginald Smith, Communities for Recovery; Isa Arizola, Goodwill Central Texas; Charleston White, Hyped about HYPE Youth Outreach; Darwin Hamilton, Reentry Advocacy Project; Brittany Hopkins, Texas Criminal Justice Coalition; Yannis Banks, Texas NAACP; (*Registered, but did not testify*: Nicholas Hudson, American Civil Liberties Union of Texas; Gyl Switzer, Mental Health America of Texas; Greg Hansch, National Alliance on Mental Illness (NAMI) Texas; Deece Eckstein, Travis County Commissioners Court; Ellen Arnold, TX Association of Goodwills; Shane Johnson; Lauren Oertel; Gary Wardian)

Against — None

On — Rodney Thompson, Texas Probation Association; (*Registered, but did not testify*: Carey Welebob, Texas Department of Criminal Justice)

DIGEST: CSHB 1426 would create a certificate of relief from collateral consequences for certain individuals. "Collateral consequences" would mean the revocation, suspension, or denial of an occupational license as an indirect consequence of criminal history record information. Defendants would become eligible once they had successfully completed:

- a term of deferred adjudication community supervision and the judge had dismissed the proceedings and discharged the person; or
- a term of community supervision and the person's conviction was set aside.

The certificate would state that the defendant had successfully completed a term of community supervision as well as all requirements imposed by the court and had been relieved of all penalties, disabilities, or disqualifications resulting from the offense. The bill would require courts to issue certificates to defendants no later than 30 days after they became eligible.

The bill would prohibit licensing boards from denying a license because of an offense for which an applicant with a certificate was otherwise eligible. This provision would not apply to licenses required for health professionals, financial or legal services, law enforcement, or the security industry. The certificate also would not overcome other law prohibiting a license from being granted to a person convicted of or placed on deferred adjudication community supervision for a specific offense. The bill would not prohibit a licensing board from restricting a person to a provisional or probationary license.

If a licensing authority found that the applicant had committed a class A misdemeanor offense or higher after the certificate was issued, the certificate would be nullified.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017, and would apply to a person who completed a term of community supervision before, on, or after that date.

**SUPPORTERS
SAY:**

CSHB 1426 would allow those who already had demonstrated a commitment to rehabilitation to use their skills to make a better living for themselves and their families and contribute to society. Many offenders are placed on deferred adjudication to overcome addiction or mental health issues. Once individuals in those situations have completed their services plans successfully, they are well on the path to recovery. Gainful employment can discourage people from further criminal conduct and allow for continued growth at home and in their communities.

Licensing agencies still could consider each application on its merits. The

bill only would prevent denying an application because of an offense for which the individual had a certificate of relief from collateral consequences. If there were other concerns about a candidate, nothing about the bill would keep the agency from denying or restricting a license.

**OPPONENTS
SAY:**

CSHB 1426 would prevent licensing agencies, which have been entrusted with protecting the public, from using their best judgment. Licensing agencies should be able to consider any criminal history, especially if it has some bearing on the defendant's intended occupation.