

Creating a certificate of relief from collateral consequences

HB 1426 by Allen (Burton)

DIGEST: HB 1426 would have created a certificate of relief from collateral consequences that courts could have issued to certain criminal defendants. The criminal record history of an individual with a certificate could not have been grounds for denying, suspending, or revoking certain professional or occupational licenses.

To be eligible, a criminal defendant would have been required to have completed a community supervision term, and a judge would have had to dismiss the proceedings or set aside the conviction. The certificate would have stated that an individual was relieved of the penalties, disqualifications, and disabilities resulting from the offense. A court would have had to consider specific factors when deciding whether to issue the certificate.

Those with criminal history records for certain offenses listed in the bill would not have been eligible for a certificate, including certain violent and serious crimes and offenses relating to the profession or occupation being sought. The prohibition on using criminal history records to deny, suspend, or revoke a license would not have applied to certain licenses or certificates listed in the bill, including health professions, financial and legal services, law enforcement, and those for educators and certain others employed by school districts.

GOVERNOR'S REASON FOR VETO: “One of the consequences of committing a crime is a criminal record. Both this session and last session, I have signed bills designed to help people with criminal records get jobs so they can lead productive lives. This is a worthy goal, but House Bill 1426 goes too far by prohibiting state licensing agencies from considering the criminal records of some who apply for a license. A license applicant’s criminal background is something the licensing agency should be able to consider. If certain licensing agencies are unfairly discriminating against applicants with criminal records, that should be addressed at the agency board level or through more targeted legislation.”

RESPONSE: **Rep. Alma Allen**, the bill’s author, said: “The justification for Gov. Abbott’s veto is confusing because it points to consequences of committing a crime; however, HB 1426 would only provide a certificate of completion to individuals who completed deferred adjudication sentences, meaning they were never convicted of that crime. Current statute specifies that those who satisfactorily complete a term of deferred adjudication community supervision are relieved of penalties and disqualifications related to the criminal offense. HB 1426 would have provided for a verification of satisfactory completion, and the benefits of the certificate would have required licensing agencies to align with current law.”

Sen. Konni Burton, the Senate sponsor, had no comment on the veto.

NOTES:

The HRO analysis of [HB 1426](#) appeared in Part Two of the May 2 *Daily Floor Report*.