

By: Johnson

H.B. No. 548

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of criminal history record information regarding applicants for public employment.

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

SECTION 1. Subchapter A, Chapter 656, Government Code, is amended by adding Section 656.002 to read as follows:

Sec. 656.002. CONSIDERATION OF CRIMINAL HISTORY RECORD INFORMATION. (a) In this section:

(1) "Applicant" means a person who has made an oral or written application with an employer, or has sent a resume or other correspondence to an employer, indicating an interest in employment.

(2) "Criminal history record information" has the meaning assigned by Section [411.082](#).

(3) "State agency" means an agency in any branch of state government.

(b) A state agency may not include a question regarding an applicant's criminal history record information on an initial employment application form.

(c) A state agency may inquire into or consider an applicant's criminal history record information after the agency has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment or has invited the applicant to an interview.

1 (d) This section does not apply to an applicant for a
2 position:

3 (1) that involves the provision of services to or care
4 of children;

5 (2) that requires direct interaction with children; or

6 (3) for which consideration of criminal history record
7 information is otherwise required by law.

8 SECTION 2. Chapter 180, Local Government Code, is amended
9 by adding Section 180.008 to read as follows:

10 Sec. 180.008. CONSIDERATION OF EMPLOYMENT APPLICANT'S
11 CRIMINAL HISTORY RECORD INFORMATION. (a) In this section:

12 (1) "Applicant" means a person who has made an oral or
13 written application with an employer, or has sent a resume or other
14 correspondence to an employer, indicating an interest in
15 employment.

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

18 (3) "Local government" means a county, municipality,
19 or other political subdivision of this state.

20 (b) A local government may not include a question regarding
21 an applicant's criminal history record information on an initial
22 employment application form.

23 (c) A local government may inquire into or consider an
24 applicant's criminal history record information after the local
25 government has determined that the applicant is otherwise qualified
26 and has conditionally offered the applicant employment or has
27 invited the applicant to an interview.

1 (d) This section does not apply to an applicant for a
2 position:

3 (1) that involves the provision of services to or care
4 of children;

5 (2) that requires direct interaction with children; or

6 (3) for which consideration of criminal history record
7 information is otherwise required by law.

8 SECTION 3. This Act takes effect September 1, 2015.