

By: Cook, Moody, Leach, Rosenthal, Anchia

H.B. No. 1215

Substitute the following for H.B. No. 1215:

By: Spiller

C.S.H.B. No. 1215

A BILL TO BE ENTITLED

AN ACT

relating to consideration of criminal history of applicants for public employment.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 620 to read as follows:

CHAPTER 620. CONSIDERATION OF CRIMINAL HISTORY OF APPLICANTS FOR PUBLIC EMPLOYMENT

Sec. 620.001. DEFINITION. In this chapter, "public employer" means:

(1) a board, a commission, an office, a department, or another agency in the executive, judicial, or legislative branch of state government, including an institution of higher education, as that term is defined by Section 61.003, Education Code; or

(2) a political subdivision of this state.

Sec. 620.002. NONAPPLICABILITY. This chapter does not apply to:

(1) an independent school district; or

(2) any position with a law enforcement agency for which a license is required under Chapter 1701, Occupations Code.

Sec. 620.003. CRIMINAL HISTORY OF APPLICANTS FOR PUBLIC EMPLOYMENT. (a) Except as provided by Subsection (b), before making a conditional offer of employment to an applicant, a public employer may not:

1           (1) obtain criminal history record information  
2 relating to the applicant; or

3           (2) ask the applicant to disclose orally or in writing  
4 information regarding the applicant's criminal history, if any.

5           (b) Before making a conditional offer of employment, a  
6 public employer may:

7           (1) notify the applicant for a position that certain  
8 criminal convictions disqualify the applicant from consideration  
9 for the position under law or the employer's written policy; or

10           (2) include a question on an initial employment  
11 application form regarding whether an applicant has been convicted  
12 of a criminal offense that would disqualify the applicant from  
13 employment under law if the question is limited to offenses that  
14 result in disqualification.

15           (c) This section does not prohibit a public employer from  
16 obtaining criminal history record information after the public  
17 employer has made a conditional offer of employment to an  
18 applicant.

19           SECTION 2. The changes in law made by this Act apply only to  
20 an employment application submitted on or after the effective date  
21 of this Act. An employment application submitted before the  
22 effective date of this Act is governed by the law in effect on the  
23 date the application was submitted, and the former law is continued  
24 in effect for that purpose.

25           SECTION 3. This Act takes effect September 1, 2023.