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H.B. No. 3246

A BILL TO BE ENTITLED

AN ACT

relating to inquiries about and the consideration of criminal  
history record information regarding applicants for employment.

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

SECTION 1. Chapter 52, Labor Code, is amended by adding  
Subchapter H to read as follows:

SUBCHAPTER H. CONSIDERATION OF CRIMINAL HISTORY RECORD INFORMATION  
IN HIRING PROCESS

Sec. 52.081. DEFINITIONS. In this subchapter:

(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, Government Code.

(3) "Employer" has the meaning assigned by Section  
21.002.

Sec. 52.082. EMPLOYER INQUIRIES INTO AND CONSIDERATION OF  
CRIMINAL HISTORY RECORD INFORMATION. (a) An employer may not  
include a question regarding an applicant's criminal history record  
information on an initial employment application form.

(b) An employer may inquire into or consider an applicant's  
criminal history record information after the employer has  
determined that the applicant is otherwise qualified and has

1 conditionally offered the applicant employment or has invited the  
2 applicant to an interview.

3 Sec. 52.083. NONAPPLICABILITY. This subchapter does not  
4 apply to an applicant for a position for which consideration of  
5 criminal history record information is required by law.

6 SECTION 2. This Act takes effect September 1, 2023.