

By: Farrar

H.B. No. 3365

A BILL TO BE ENTITLED

AN ACT

relating to the employment by state and local governmental entities of individuals who have been convicted of crimes.

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

SECTION 1. Subtitle A, Title 6, Government Code, is amended by adding Chapter 619 to read as follows:

CHAPTER 619. GENERAL PROVISIONS APPLICABLE TO STATE

AND LOCAL EMPLOYEES

Sec. 619.001. CRIMINAL CONVICTION AS A BAR TO EMPLOYMENT.

(a) In this chapter:

(1) "Convicted" means an adjudication of guilt or an order of deferred adjudication entered against a person by a court regardless of whether the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A) expunged; or

(B) pardoned under the authority of a state or federal official.

(2) "Local governmental entity" means a political subdivision of the state, including a:

(A) county;

(B) municipality;

(C) public school district; or

1 (D) special-purpose district or authority.

2 (3) "State governmental entity" means:

3 (A) a board, commission, department, office,
4 authority, or other agency in the executive branch of state
5 government, created under the constitution or a statute of the
6 state, including an institution of higher education, as defined by
7 Section 61.003, Education Code;

8 (B) the legislature or a legislative agency; or

9 (C) the Texas Supreme Court, the Texas Court of
10 Criminal Appeals, a court of appeals, a state judicial agency, or
11 the State Bar of Texas.

12 (b) An employee of a state or local governmental entity who
13 is convicted of an offense, any element of which arises from the
14 employee's actions that occur during the course of the employee's
15 employment with the state or local governmental entity is:

16 (1) immediately terminated from the individual's
17 employment; and

18 (2) ineligible for reemployment with a state
19 governmental entity or a local governmental entity.

20 (c) A state or local governmental entity may not employ a
21 person if the state or local governmental entity determines, as a
22 result of a criminal history background check, that the person has
23 been convicted of an offense that bars employment under this
24 chapter.

25 (d) To the extent of any conflict or inconsistency between
26 this section and any other law relating to eligibility for
27 employment based on the conviction of a specific offense, the other

1 law controls.

2 SECTION 2. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.