

By: Marquez

H.B. No. 342

A BILL TO BE ENTITLED

1 AN ACT
2 relating to employees of or applicants for employment with school
3 districts who have been convicted of or pled guilty to certain
4 offenses.

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

6 SECTION 1. Section 22.085, Education Code, is amended by
7 amending Subsection (a) and adding Subsection (g) to read as
8 follows:

9 (a) A school district, open-enrollment charter school, or
10 shared services arrangement shall discharge or refuse to hire an
11 employee or applicant for employment if the district, school, or
12 shared services arrangement obtains information:

13 (1) through a criminal history record information
14 review that:

15 (A) [~~(1)~~] the employee or applicant has been
16 convicted of:

17 (i) [~~(A)~~] a felony offense under Title 5,
18 Penal Code;

19 (ii) [~~(B)~~] an offense on conviction of
20 which a defendant is required to register as a sex offender under
21 Chapter 62, Code of Criminal Procedure; or

22 (iii) [~~(C)~~] an offense under the laws of
23 another state or federal law that is equivalent to an offense under
24 Subparagraph (i) or (ii) [Paragraph (A) or (B)]; and

1 (B) [~~(2)~~] at the time the offense occurred, the
2 victim of the offense described by Paragraph (A) [~~Subdivision (1)~~]
3 was under 18 years of age or was enrolled in a public school; or

4 (2) through a criminal history record information
5 review or from a disclosure made by the employee or applicant that
6 the employee or applicant has been convicted of or pled guilty to:

7 (A) an offense under Title 8, Penal Code;

8 (B) an offense under Chapter 31 or 32, Penal
9 Code; or

10 (C) an offense under the laws of another state or
11 federal law that is equivalent to an offense under Paragraph (A) or
12 (B).

13 (g) An employee of or applicant for employment with a school
14 district, open-enrollment charter school, or shared services
15 arrangement shall notify the district, school, or shared services
16 arrangement if the employee or applicant has been convicted of or
17 pled guilty to an offense under Title 8, Penal Code, or Chapter 31
18 or 32, Penal Code, or an offense under the laws of another state or
19 federal law that is equivalent to such an offense. An applicant
20 shall make the notification required by this subsection at the time
21 the applicant applies for employment. An employee shall make the
22 notification required by this subsection as soon as practicable
23 after the final conviction or the date the plea is entered.

24 SECTION 2. This Act takes effect September 1, 2013.