

BILL ANALYSIS

S.B. 664
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Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recently, in response to claims that individuals were manufacturing fraudulent military records for the purpose of securing certain benefits reserved for those with military service, the legislature made it an offense to use or claim to hold a fraudulent or fictitious military record in order to obtain such benefits. However, interested parties assert that state law remains silent with regard to the disposition of jobs and employment contracts secured through the use of a falsified military record and that, as a result, a person may be found guilty of using a falsified military record but still keep the job that was secured by using that record. The intent of S.B. 664 is to provide employers with clear authority to terminate employees who falsify their military service records in obtaining employment or any benefit relating to that employment.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 664 amends the Labor Code to authorize an employer to discharge an employee, regardless of whether the employee is employed under an employment contract with the employer, if the employer determines, based on a reasonable factual basis, that the employee, in obtaining the employee's employment or any benefit relating to the employee's employment, falsified or otherwise misrepresented any information regarding the employee's military record in a manner that would constitute a fraudulent or fictitious military record offense. The bill establishes that an employment contract entered into by an employer with an employee discharged by the employer as a result of such a falsification or misrepresentation is void and unenforceable as against public policy.

S.B. 664 authorizes an employee who was employed by an employer under an employment contract on the date of the employee's termination and who believes the employee was wrongfully terminated for such a falsification or misrepresentation to bring suit against the employer in a district court in the county in which the termination occurred for appropriate relief, including rehiring or reinstatement to the employee's previous job, payment of back wages, and reestablishment of employee benefits to which the employee otherwise would have been eligible if the employee had not been terminated.

EFFECTIVE DATE

September 1, 2015.