

By: González

H.B. No. 94

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a database of employers penalized for failure to pay
3 wages or convicted of certain offenses involving wage theft.

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

5 SECTION 1. Subchapter D, Chapter 301, Labor Code, is
6 amended by adding Section 301.070 to read as follows:

7 Sec. 301.070. DATABASE REGARDING WAGE THEFT. (a) In this
8 section:

9 (1) "Attorney representing the state" means a district
10 attorney, criminal district attorney, or county attorney
11 performing the duties of a district attorney.

12 (2) "Employee" and "employer" have the meanings
13 assigned by Section 61.001.

14 (b) The commission shall make available on its Internet
15 website a publicly accessible list of all employers in this state
16 that have been:

17 (1) assessed an administrative penalty under Section
18 61.053;

19 (2) ordered to pay wages by a final order of the
20 commission and have failed to comply with Section 61.063; or

21 (3) convicted of an offense under:

22 (A) Section 61.019; or

23 (B) Section 31.04, Penal Code, if the offense
24 involved the theft of a service that was rendered by an employee of

1 the employer.

2 (c) For an employer that is a business entity, the database
3 must include the name under which the entity operates and the name
4 of each individual who is an owner of the entity.

5 (d) The commission must provide notice to an employer not
6 later than the 60th day before the date the employer is listed in
7 the database.

8 (e) The commission by rule shall establish a process by
9 which an employer may, at any time after receiving notice under
10 Subsection (d), dispute the employer's inclusion in the database.
11 The process must require the commission to investigate and make a
12 final determination regarding an employer dispute under this
13 subsection not later than the 21st day after the date the dispute is
14 filed.

15 (f) The commission shall list an employer in the database
16 until the third anniversary of the date the penalty is assessed or
17 the employer is convicted.

18 (g) An attorney representing the state shall report to the
19 commission the name of each employer that is prosecuted and
20 convicted in the attorney's jurisdiction of an offense described by
21 Subsection (b)(3).

22 (h) For purposes of this section, a person has been
23 convicted of an offense if the person was adjudged guilty of the
24 offense or entered a plea of guilty or nolo contendere in return for
25 a grant of deferred adjudication, regardless of whether the
26 sentence for the offense was ever imposed or whether the sentence
27 was probated and the person was subsequently discharged from

1 community supervision.

2 SECTION 2. (a) The change in law made by this Act applies
3 only to an administrative penalty assessed on or after the
4 effective date of this Act. An administrative penalty assessed
5 before the effective date of this Act is governed by the law in
6 effect on the date the penalty was assessed, and the former law is
7 continued in effect for that purpose.

8 (b) The change in law made by this Act applies only to a
9 criminal proceeding that commences on or after the effective date
10 of this Act. A criminal proceeding that commences before the
11 effective date of this Act is governed by the law in effect on the
12 date the proceeding commenced, and the former law is continued in
13 effect for that purpose.

14 (c) The change in law made by this Act applies only to a
15 final order of the Texas Workforce Commission entered on or after
16 the effective date of this Act. A final order entered before the
17 effective date of this Act is governed by the law in effect on the
18 date the order was entered, and the former law is continued in
19 effect for that purpose.

20 SECTION 3. Not later than December 1, 2015, the Texas
21 Workforce Commission shall establish the database required by
22 Section 301.070, Labor Code, as added by this Act.

23 SECTION 4. This Act takes effect September 1, 2015.