

By: Johnson, Elkins, Deshotel, et al.

H.B. No. 548

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the consideration of criminal history record  
3 information regarding applicants for state employment.

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

5 SECTION 1. Subchapter A, Chapter 656, Government Code, is  
6 amended by adding Section 656.002 to read as follows:

7 Sec. 656.002. CONSIDERATION OF CRIMINAL HISTORY RECORD  
8 INFORMATION. (a) In this section:

9 (1) "Applicant" means a person who has made an oral or  
10 written application with an employer, or has sent a resume or other  
11 correspondence to an employer, indicating an interest in  
12 employment.

13 (2) "Criminal history record information" has the  
14 meaning assigned by Section 411.082.

15 (3) "State agency" means an agency in any branch of  
16 state government.

17 (b) This section does not apply to an applicant for a  
18 position:

19 (1) that involves the provision of services to or care  
20 of children;

21 (2) that requires direct interaction with children; or

22 (3) for which consideration of criminal history record  
23 information is otherwise required by law.

24 (c) A state agency may not include a question regarding an

1 applicant's criminal history record information on an initial  
2 employment application form.

3 (d) A state agency may inquire into or consider an  
4 applicant's criminal history record information after the agency  
5 has determined that the applicant is otherwise qualified and has  
6 conditionally offered the applicant employment or has invited the  
7 applicant to an interview.

8 SECTION 2. This Act takes effect September 1, 2015.