

By: Workman, Shine, Dale, Isaac, Villalba,
et al.

H.B. No. 577

Substitute the following for H.B. No. 577:

By: Oliveira

C.S.H.B. No. 577

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a political subdivision to adopt or
3 enforce certain regulations regarding whether a private employer
4 may obtain or consider an employment applicant's or employee's
5 criminal history record information.

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

7 SECTION 1. Title 3, Labor Code, is amended by adding Chapter
8 106 to read as follows:

9 CHAPTER 106. CRIMINAL HISTORY RECORD INFORMATION OF EMPLOYMENT

10 APPLICANT OR EMPLOYEE

11 Sec. 106.001. DEFINITIONS. In this chapter:

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

16 (2) "Criminal history record information" means
17 information collected by a criminal justice agency about a person's
18 arrests, detentions, and criminal charges and the dispositions of
19 those criminal charges.

20 Sec. 106.002. CERTAIN LOCAL REGULATION OF PRIVATE EMPLOYERS
21 PROHIBITED. A political subdivision of this state may not adopt or
22 enforce any ordinance or other local regulation that prohibits,
23 limits, delays, or otherwise regulates a private employer's ability
24 to inquire about, request, consider, or take employment action

1 based on the criminal history record information of an applicant or
2 employee or criminal history provided by an applicant or employee.

3 Sec. 106.003. NONAPPLICABILITY. This chapter does not
4 prevent a political subdivision of this state from adopting or
5 enforcing an ordinance or other local regulation relating to the
6 access to or consideration of the criminal history record
7 information of an individual or criminal history provided by an
8 individual:

9 (1) entering into a contract or other agreement with
10 the political subdivision as it relates to hiring within the scope
11 of performance of duties under that contract or agreement; or

12 (2) receiving a grant from the political subdivision
13 as it relates to hiring within the scope of performance of duties
14 under that grant.

15 SECTION 2. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2017.