

By: Deshotel

H.B. No. 495

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of criminal history record information regarding applicants for employment.

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

SECTION 1. Chapter 52, Labor Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. CONSIDERATION OF CRIMINAL HISTORY RECORD INFORMATION  
IN HIRING PROCESS

Sec. 52.081. DEFINITIONS. In this subchapter:

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

(2) "Criminal history record information" has the meaning assigned by Section 411.082, Government Code.

(3) "Employer" has the meaning assigned by Section 21.002.

Sec. 52.082. EMPLOYER INQUIRIES INTO AND CONSIDERATION OF CRIMINAL HISTORY RECORD INFORMATION. (a) An employer may not include a question regarding an applicant's criminal history record information on an initial employment application form.

(b) An employer may inquire into or consider an applicant's criminal history record information after the employer has determined that the applicant is otherwise qualified and has

1 conditionally offered the applicant employment or has invited the  
2 applicant to an interview.

3 (c) In making an employment decision, an employer may not  
4 consider any criminal history record information regarding an  
5 offense that occurred or was alleged to have occurred more than  
6 seven years before the date of the employment decision.

7 Sec. 52.083. NONAPPLICABILITY. This subchapter does not  
8 apply to an applicant for a position for which consideration of  
9 criminal history record information is required by law.

10 SECTION 2. This Act takes effect September 1, 2019.