

By: Campbell

S.B. No. 875

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 106. CRIMINAL HISTORY RECORD INFORMATION OF EMPLOYMENT

APPLICANT OR EMPLOYEE

Sec. 106.001. DEFINITIONS. In this chapter:

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

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

Sec. 106.002. CERTAIN LOCAL REGULATION OF PRIVATE EMPLOYERS PROHIBITED. A political subdivision of this state may not adopt or enforce any ordinance or other local regulation that prohibits, limits, or otherwise regulates a private employer's ability to request, consider, or take employment action based on the criminal history record information of an applicant or employee.

Sec. 106.003. NONAPPLICABILITY. This chapter does not

1 prevent a political subdivision of this state from adopting or
2 enforcing an ordinance or other local regulation relating to the
3 access to or consideration of the criminal history record
4 information of an individual:

5 (1) entering into a contract or other agreement with
6 the political subdivision;

7 (2) receiving a grant from the political subdivision;

8 (3) seeking a license, permit, or other authorization
9 to conduct business from the political subdivision; or

10 (4) conducting business with or under the regulatory
11 authority of the political subdivision.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2019.