

## **BILL ANALYSIS**

H.B. 455  
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Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Many employers currently require applicants for employment to include criminal history information on their application. There are concerns that applications containing this information are often overlooked despite the applicant's qualifications and experience, thereby limiting the applicant's employment opportunities in favor of someone who is potentially less qualified. It has been suggested that delaying the submission of this information may encourage employers to objectively assess the relevance of any criminal history after the employer is already knowledgeable about the applicant's qualifications and experience. H.B. 455 seeks to address this issue by prohibiting employers from inquiring about an applicant's criminal history in an initial employment application form while maintaining an employer's discretion to consider the information later in the hiring process.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 455 amends the Labor Code to prohibit an applicable employer from including a question regarding an applicant's criminal history record information on an initial employment application form. The bill authorizes an employer to inquire into or consider such information after the employer has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment or has invited the applicant to an interview. The bill does not apply to an applicant for a position for which consideration of criminal history record information is required by law.

### **EFFECTIVE DATE**

September 1, 2021.