

**BILL ANALYSIS**

H.B. 3199  
By: Noble  
Human Services  
Committee Report (Unamended)

**BACKGROUND AND PURPOSE**

Both public and private schools use a pre-employment affidavit to require applicants for employment to disclose whether they have ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor. In general, child-care facilities are not using these affidavits because they are not required to do so under state law. Many facilities are not even aware of the existence of the affidavits. H.B. 3199 seeks to require child-care facilities to use these affidavits as part of 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. 3199 amends the Human Resources Code to require an applicant for a position with a child-care facility to submit, using a form adopted by the Department of Family and Protective Services, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor. The bill requires an applicant who answers affirmatively concerning an inappropriate relationship with a minor to disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false. The bill establishes that an applicant is not precluded from being employed based on a disclosed charge if the employing entity determines that the charge was false on the basis of the information disclosed in the affidavit. The bill makes a determination that an employee failed to disclose any requisite information grounds for termination of employment.

**EFFECTIVE DATE**

September 1, 2023.