

## **BILL ANALYSIS**

H.B. 3246  
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Business & Industry  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, employers are able to inquire about the criminal history of an applicant for employment on an initial application. In the process of vetting applicants, applications with criminal history listed may be overlooked, thereby limiting the applicant's employment opportunities in favor of an applicant who is less qualified. However, employers are more likely to objectively assess the relevance of an applicant's criminal history if it becomes known after the employer is already knowledgeable about the applicant's qualifications and experience. H.B. 3246 seeks to address this issue by prohibiting an employer from including a question regarding an applicant's criminal history record information on an initial employment application form.

### **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. 3246 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. For this purpose, "employer" means any of the following:

- a person who is engaged in an industry affecting commerce and who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or such a person's agent;
- an individual elected to public office in Texas or a political subdivision of the state; or
- a county, municipality, state agency, or state instrumentality, regardless of the number of individuals employed.

The bill defines "applicant" as 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 and defines "criminal history record information" by reference to applicable Government Code provisions. 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, 2023.