

BILL ANALYSIS

Senate Research Center
88R2426 MLH-F

S.B. 1469
By: Bettencourt
Health & Human Services
3/28/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Public and private schools use a pre-employment affidavit that requires applicants to discuss whether they have ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor. This affidavit does not bar employment but requires disclosure.

S.B. 1469 would expand the requirements of a pre-employment affidavit for an inappropriate relationship with a minor to include childcare facilities. This affidavit does not bar employment but requires disclosure. However, if you fail to disclose the information on the affidavit it is grounds for termination.

As proposed, S.B. 1469 amends current law relating to requiring certain information before being employed by a child-care facility.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.0563, as follows:

Sec. 42.0563. PRE-EMPLOYMENT AFFIDAVIT. (a) Requires an applicant for a position with a child-care facility to submit, using a form adopted by the Texas 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.

(b) 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.

(c) Provides that an applicant is not precluded from being employed based on a disclosed charge if the employing entity determines based on the information disclosed in the affidavit that the charge was false.

(d) Provides that determination that an employee failed to disclose information required to be disclosed by an applicant under this section is grounds for termination of employment.

SECTION 2. Effective date: September 1, 2023.