

By: Noble

H.B. No. 3199

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain information before being employed by
a child-care facility.

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

SECTION 1. Subchapter C, Chapter 42, Human Resources Code,
is amended by adding Section 42.0563 to read as follows:

Sec. 42.0563. PRE-EMPLOYMENT AFFIDAVIT. (a) An applicant
for a position with a child-care facility must submit, using a form
adopted by the department, 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) An applicant who answers affirmatively concerning an
inappropriate relationship with a minor must 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) 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) A 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. This Act takes effect September 1, 2023.