

## **BILL ANALYSIS**

C.S.H.B. 3675  
By: Cook  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

According to the Texas Department of Criminal Justice (TDCJ) Fiscal Year 2024 Statistical Report, 46,648 individuals were released from TDCJ custody that fiscal year. The bill author has informed the committee that these individuals should be afforded practical opportunities to become productive members of society post-incarceration and that one key factor in successful reentry is the ability to access gainful employment. However, these individuals are often screened from job interviews solely based on their criminal record and are never afforded the opportunity to present their strengths and qualifications for employment. Research from the Brookings Institute indicates that roughly half of formerly incarcerated individuals make no reported earnings in the first year after release.

In 2019, President Trump signed into law the National Defense Authorization Act, which included the Fair Chance to Compete for Jobs Act of 2019 that prohibited federal agencies and contractors from requesting that an applicant for federal employment disclose their criminal history record information before the agency makes a conditional offer of employment to the applicant. Additionally, according to the National Employment Law Project, over 35 states, including Arizona, Nebraska, North Dakota, Ohio, Oklahoma, and Utah, have adopted fair chance hiring policies for certain public employers. C.S.H.B. 3675 seeks to increase opportunities for employment for Texans who have a criminal record and reduce recidivism by requiring public employers to delay inquiry into an applicant's criminal history information until after a conditional offer of employment has been made to the applicant.

### **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**

C.S.H.B. 3675 amends the Government Code to prohibit a public employer from taking either of the following actions before making a conditional offer of employment to an applicant:

- obtaining the applicant's criminal history record information; or
- asking the applicant to disclose information regarding their criminal history, if any, orally or in writing.

However, the bill authorizes a public employer, before making a conditional offer, to notify an applicant for a position that certain criminal convictions disqualify the applicant from consideration for the position under law or the employer's written policy and to include a question on an initial employment application form regarding whether an applicant has been

convicted of a criminal offense that is disqualifying under the law if the question is limited only to offenses that result in disqualification. The bill expressly does not prohibit a public employer from obtaining criminal history record information after the employer has made a conditional employment offer to an applicant.

C.S.H.B. 3675 defines "public employer" as a board, a commission, an office, a department, or another agency in the executive, judicial, or legislative branch of state government, including a public institution of higher education, or a political subdivision of the state. The bill excepts from the applicability of its provisions an independent school district and any position with a law enforcement agency. The bill's provisions apply only to an employment application submitted on or after the bill's effective date. An employment application submitted before that date is governed by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

### **EFFECTIVE DATE**

September 1, 2025.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3675 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While both the introduced and substitute except from the applicability of the bill's provisions a position with a law enforcement agency, the substitute does not include the specification from the introduced that the position is a position for which a license is required under Occupations Code provisions relating to law enforcement officers.