

BILL ANALYSIS

C.S.H.B. 548
By: Johnson
Government Transparency & Operation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties report that a number of state agencies ask about an applicant's criminal history before the interview stage of the application process. These parties argue that asking for this information before the interview stage allows agencies to screen out applicants with criminal backgrounds before those applicants have the opportunity to present their qualifications in an interview. Reports indicate that a number of other states have established laws, sometimes known as fair chance laws, that provide for a job applicant's qualifications to be considered before the applicant's criminal history. C.S.H.B. 548 seeks to address this issue in Texas and provide formerly incarcerated individuals with a better opportunity to gain employment.

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. 548 amends the Government Code to prohibit a state agency from including a question regarding the criminal history record information of an applicant for state employment on an initial employment application form. The bill authorizes a state agency to inquire into or consider an applicant's criminal history record information after the agency has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment or has invited the applicant to an interview. The bill's provisions do not apply to an applicant for a position that involves the provision of services to or care of children, that requires direct interaction with children, or for which consideration of criminal history record information is otherwise required by law.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 548 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

HOUSE COMMITTEE SUBSTITUTE

84R 27043

15.120.672

Substitute Document Number: 84R 12950

SECTION 1. Subchapter A, Chapter 656, Government Code, is amended.

SECTION 2. Chapter 180, Local Government Code, is amended by adding Section 180.008 to read as follows:

Sec. 180.008. CONSIDERATION OF EMPLOYMENT APPLICANT'S CRIMINAL HISTORY RECORD INFORMATION. (a) In this section:

(1) "Applicant" means 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.

(2) "Criminal history record information" has the meaning assigned by Section 411.082, Government Code.

(3) "Local government" means a county, municipality, or other political subdivision of this state.

(b) A local government may not include a question regarding an applicant's criminal history record information on an initial employment application form.

(c) A local government may inquire into or consider an applicant's criminal history record information after the local government has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment or has invited the applicant to an interview.

(d) This section does not apply to an applicant for a position:

(1) that involves the provision of services to or care of children;

(2) that requires direct interaction with children; or

(3) for which consideration of criminal history record information is otherwise required by law.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 1. Substantially the same as introduced version.

No equivalent provision.

SECTION 2. Same as introduced version.