

## **BILL ANALYSIS**

Senate Research Center

H.B. 26  
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Economic Development  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently any person who is forced to leave his or her job due to family violence or stalking is eligible to receive unemployment insurance benefits if he or she can produce an active or recently issued protective order, police record, or physician's statement documenting family violence against or the stalking of the employee. Victims of sexual assault are eligible for these benefits if the assault is a result of family violence; however, victims of sexual assault that is not family violence related do not qualify for unemployment insurance. This inconsistency results in inequitable support for victims of similar crimes.

This bill allows employees who are forced to leave work due to sexual assault to collect unemployment insurance benefits regardless of whether the act is related to family violence. Immediate family members will also be eligible for these benefits, which will take into consideration cases where children are sexually assaulted and the family must move from the area. The bill also exempts employers from chargebacks in these circumstances, protecting the employers from possible penalties associated with former employees who collect unemployment after leaving the workplace.

H.B. 26 amends current law relating to unemployment compensation eligibility and chargebacks regarding certain persons who are victims or whose immediate family members are victims of sexual assault.

### **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 Section 204.022(a), Labor Code, as follows:

(a) Prohibits benefits computed on benefit wage credits of an employee or former employee from being charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

(1)-(10) Makes no change to these subdivisions;

(11) resulted from the employee leaving the employee's workplace to protect the employee from family violence or stalking or the employee or a member of the employee's immediate family from violence related to a sexual assault as evidenced by:

(A) an active or recently issued protective order documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting sexual assault of the employee or a member of the employee's immediate family or family violence against, or the stalking of, the employee;

(C) a physician's statement or other medical documentation that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee that:

(i) is recorded in any form or medium that identifies the employee or member of the employee's immediate family, as applicable, as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient; or

(D) written documentation from a family violence center or rape crisis center that describes the sexual assault of the employee or a member of the employee's immediate family or family violence against the employee; or

(12)-(15) Makes no change to these subdivisions.

SECTION 2. Amends Section 204.022(d), Labor Code, by adding Subdivisions (3), (4), and (5), to define "immediate family," "sexual assault," and "family violence center."

SECTION 3. Amends Section 207.046(a), Labor Code, as follows:

(a) Provides that an individual is not qualified for benefits under this subchapter if:

(1) Makes no change to this subdivision;

(2) the individual leaves the workplace to protect the individual from family violence or stalking or the individual or a member of the individual's immediate family from violence related to a sexual assault as evidenced by:

(A) an active or recently issued protective order documenting sexual assault of the individual or a member of the individual's immediate family or family violence against, or the stalking of, the individual, rather than the employee, or the potential for family violence against, or the stalking of, the individual, rather than the employee;

(B) a police record documenting sexual assault of the individual or a member of the individual's immediate family or family violence against, or the stalking of, the individual;

(C) a physician's statement or other medical documentation that describes the sexual assault of the individual or a member of the individual's immediate family or family violence against the individual that:

(i) is recorded in any form or medium that identifies the individual or member of the individual's immediate family, as applicable, as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient; or

(D) written documentation from a family violence center or rape crisis center that describes the sexual assault of the individual or a member of the individual's immediate family or family violence against the individual; or

(3) Makes no change to this subdivision.

Makes conforming and nonsubstantive changes.

SECTION 4. Amends Section 207.046(c), Labor Code, by adding Subdivisions (3), (4), (5), to define "immediate family," "sexual assault," and "family violence center."

SECTION 5. Makes application of the change in law made by this Act prospective.

SECTION 6. Effective date: upon passage or September 1, 2013.