

- SUBJECT:** Barring agencies from asking about criminal history on job applications
- COMMITTEE:** Government Transparency and Operation — committee substitute recommended
- VOTE:** 6 ayes — Elkins, Walle, Galindo, Gutierrez, Leach, Scott Turner
- 0 nays
- 1 absent — Gonzales
- WITNESSES:** For — Douglas Smith, Texas Criminal Justice Coalition; Jennifer Erschabek, Texas Inmate Families Association; Carisa Lopez, Texas State Employees Union; Natalie Baker; Ryan Barney; (*Registered, but did not testify*: Victor Cornell, American Civil Liberties Union of Texas; Seth Mitchell, Bexar County Commissioners Court; Kathryn Freeman, Christian Life Commission; Charles Reed, Dallas County Commissioners Court; Traci Berry, Goodwill Central Texas; Gyl Switzer, Mental Health America of Texas; Mark Mendez, Tarrant County Commissioners Court; Rick Levy, Texas AFLCIO; Lori Henning, Texas Association of Goodwills; Rebecca Bernhardt, Texas Fair Defense Project; Harrison Hiner, Texas State Employees Union; Lauren Johnson, Travis County Reentry Planning Council; Maxie Gallardo, Workers Defense Project)
- Against — (*Registered, but did not testify*: Frederick Frazier, Dallas Police Association; Mark Clark, Houston Police Officers' Union; Julie Acevedo, Texas Fire Chief's Association)
- BACKGROUND:** Government Code, ch. 656, subch. A requires state agencies with employment openings to list openings with the Texas Workforce Commission.
- DIGEST:** CSHB 548 would amend Government Code, ch. 656, subch. A to prohibit state agencies from asking applicants about their criminal history on initial employment application forms. This prohibition would not apply to applications for positions that involved the provision of services to or care

of children, required direct interaction with children, or for which a criminal background check was otherwise required by law. Agencies could inquire into or consider an applicant's criminal history after the agency had invited an applicant for an interview or extended a conditional offer of employment.

The bill would take effect September 1, 2015.

**SUPPORTERS  
SAY:**

CSHB 548 would lower barriers for individuals with criminal records to obtain jobs and contribute to society by barring agencies from asking about criminal history on initial job applications. Asking applicants about their criminal records on initial applications can immediately disqualify formerly incarcerated individuals. This leads to a situation where those who were formerly incarcerated are punished twice by having their employment prospects limited.

Formerly incarcerated individuals are less likely to commit further offenses if they hold a job. CSHB 548 could help reduce recidivism and contribute to public safety. Moreover, in certain states where asking about criminal records is forbidden, fewer staff hours are needed to screen applicants because criminal records are not considered.

**OPPONENTS  
SAY:**

CSHB 548 could increase costs for agencies by taking away a tool for reviewing applications. Agencies may have to work harder to screen applicants if this information is not available or may have to interview many individuals who eventually are excluded after background checks.