

## **BILL ANALYSIS**

Senate Research Center  
85R30493 JSC/BEE-F

C.S.H.B. 91  
By: White (Huffman)  
Business & Commerce  
5/18/2017  
Committee Report (Substituted)

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

State policy regarding occupational licensing for individuals with criminal history records must be kept current. H.B. 91 requires each state licensing authority that has an eligibility requirement relating to an applicant's criminal history to review that criminal history requirement and make a recommendation regarding whether the requirement should be retained, modified, or repealed. Each authority must submit the results of their review and their recommendations to state leadership. (Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 91 amends current law relating to a review of occupational licensing requirements and an applicant's criminal history.

### **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. REVIEW OF OCCUPATIONAL LICENSING ELIGIBILITY REQUIREMENTS RELATED TO CRIMINAL HISTORY; REPORT. (a) Defines "license" and "licensing authority."

(b) Requires each licensing authority, for each license issued by the authority that has an eligibility requirement related to an applicant's criminal history, to review the requirement and make a recommendation regarding whether the requirement should be retained, modified, or repealed.

(c) Requires each licensing authority, not later than December 1, 2018, to submit a report on the results of the authority's review to the lieutenant governor, the speaker of the house of representatives, and each member of the legislature and include the authority's recommendations.

(d) Provides that this section expires January 1, 2019.

SECTION 2. REGULATIONS INVOLVING CONSIDERATION OF CRIMINAL HISTORY OF EMPLOYMENT APPLICANT OR EMPLOYEE. Amends Title 3, Labor Code, by adding Chapter 106, as follows:

#### **CHAPTER 106. CRIMINAL HISTORY RECORD INFORMATION OF EMPLOYMENT APPLICANT OR EMPLOYEE**

Sec. 106.001. DEFINITIONS. Defines "applicant" and "criminal history record information."

Sec. 106.002. CERTAIN LOCAL REGULATION OF PRIVATE EMPLOYERS PROHIBITED. Prohibits a political subdivision of this state from adopting or enforcing any ordinance or other local regulation that prohibits, limits, delays, or otherwise regulates a private employer's ability to inquire about, request, consider, or take

employment action based on the criminal history record information of an applicant or employee or criminal history provided by an applicant or employee.

Sec. 106.003. NONAPPLICABILITY. Provides that this chapter does not prevent a political subdivision of this state from adopting or enforcing an ordinance or other local regulation relating to the access to or consideration of the criminal history record information of an individual or criminal history provided by a certain individual.

SECTION 3. EFFECTIVE DATE. Effective date: upon passage or September 1, 2017.