

BILL ANALYSIS

Senate Research Center

S.B. 2488
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas economy has been vibrant for many years due to a regulatory climate that enables businesses, large and small, to thrive under a smart approach and balance to government regulation.

Job creators have left states that have burdensome regulations and weak economic environments and flocked to Texas, which remains one of the best states to do business with historic low unemployment rates. Texas businesses naturally evolve in order to remain competitive in this healthy environment by offering attractive benefits and wages.

However, Texas cities have begun to expand their regulatory scope and pass local ordinances regarding private employment practices—matters that have traditionally been handled at the state and federal level for the sake of better consistency and compliance. These ordinances have created an inconsistent patchwork of regulations that make it difficult for cities to attract new businesses, create jobs, and for businesses to operate in multiple jurisdictions.

S.B. 2488 ensures that regulation of a private employer's ability to request, consider, or take employment action based on the criminal history record information of an applicant or employee takes place at the state level.

As proposed, S.B. 2488 amends current law relating to the authority of a political subdivision to adopt or enforce certain regulations regarding whether a private employer may obtain or consider an employment applicants' or employees' criminal history record information.

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 Subtitle D, Title 2, Labor Code, by adding Chapter 83, as follows:

CHAPTER 83. LOCAL REGULATION OF EMPLOYMENT PRACTICES

Sec. 83.001. DEFINITIONS. Defines "applicant," "criminal history record information," and "employer" for purposes of this chapter.

Sec. 83.002A. CONSIDERATION OF CRIMINAL HISTORY RECORD INFORMATION OF EMPLOYMENT APPLICANT OR EMPLOYEE. Prohibits a political subdivision of this state from adopting or enforcing any ordinance, order, rule, regulation, or policy that prohibits, limits, or otherwise regulates a private employer's ability to request, consider, or take employment action on the criminal history record information of an applicant or employee.

SECTION 2. Provides that Chapter 83, Labor Code, as added by this Act, applies to an ordinance, order, rule, regulation, or policy adopted before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2019.