

One Minute Memo®



Texas Likely To Take Aim at Municipal and County Ban the Box Laws

By Pamela Q. Devata, Robert T. Szyba and Stacey L. Blecher

Seyfarth Synopsis: The Legislature of the State of Texas has introduced a new bill designed to create uniformity within its borders by prohibiting municipalities and counties from micro-managing the particular steps involved in private employers' hiring with regard to the prohibition, limitation or regulation of background screening.

Proposed Legislation

[House Bill 577](#), if passed next year, would preclude any city or county from adopting or enforcing "certain regulations regarding whether a private employer may obtain or consider an employment applicant's or employee's criminal history record information." Municipalities still would be free to enact Ban the Box restrictions for their respective *public* employees.

Current Ban the Box Restrictions in Texas

In March of 2016, the Austin City Council passed a Fair Chance Hiring Ordinance prohibiting the use of criminal history check boxes on job applications. (See prior post [here](#).) Any employer with 11 or more employees doing business in Austin must comply.

The Austin Ordinance is the only Texas municipality with Ban the Box restrictions applying to certain *private* employers; both Dallas and Travis Counties have Ban the Box laws that apply only to public employees.

Employer Outlook

If/when it passes, H.B. No 577 will take effect immediately if it receives the vote of two-thirds of all the members elected to each house. If not enough votes are received to achieve immediate effect, the bill will take effect on **September 1, 2017**. Employers in Austin should maintain the status quo in the interim, continuing to comply with the Fair Chance Hiring Ordinance until the current law is overruled. We will be following developments closely; stay tuned.

If you would like further information, please contact your Seyfarth Shaw LLP attorney, [Pamela Q. Devata](mailto:pdevata@seyfarth.com) at pdevata@seyfarth.com, [Robert T. Szyba](mailto:rszyba@seyfarth.com) at rszyba@seyfarth.com or [Stacey L. Blecher](mailto:sblecher@seyfarth.com) at sblecher@seyfarth.com.

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