



TEXAS CRIMINAL
JUSTICE COALITION

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FACT SHEET

PROVIDE PROTECTION FOR EMPLOYERS

EMPLOYERS MUST BE PROTECTED FROM INCURRING LIABILITY BY HIRING FORMER OFFENDERS

A PERSON'S CONTACT WITH THE CRIMINAL JUSTICE SYSTEM POSES PROBLEMS FOR POTENTIAL EMPLOYERS.

Under the legal theory of negligent hiring, employers who know (or should have known) that an employee has a history of criminal activity may be liable for the employee's criminal or tortuous acts.

THE POTENTIAL LIABILITY FOR HIRING EX-OFFENDERS MAKES IT DIFFICULT FOR EX-OFFENDERS TO FIND AND SUSTAIN GAINFUL EMPLOYMENT.

Individuals who remain unemployed become a burden to society and represent a much greater risk of recidivism. Furthermore, employer liability increases hiring costs for businesses and exposes them to potentially expensive lawsuits.

WHAT WOULD H.B. 2537 DO?

H.B. 2537 would prevent employers (including general contractors, premises owners, and other third parties) from being held liable for hiring or contracting for hire an individual who has been convicted of a non-violent offense. This would not be applicable to any individual convicted of an assault, sexual offenses, kidnapping, robbery, or homicide.

PROVIDING RE-INTEGRATION OPPORTUNITIES FOR EX-OFFENDERS IS ESSENTIAL TO TRANSFORMING THEM INTO PRODUCTIVE, LAW-ABIDING CITIZENS.

Eliminating negligent hiring torts for businesses employing ex-offenders will allow these offenders to successfully re-integrate into the economy and avoid returning to crime. It will also lower hiring costs for employers and protect them from having to pay expensive damages.

TEXAS SHOULD PROTECT EMPLOYERS FROM BEING LIABLE FOR LAWSUITS PROMPTED BY THE CRIMINAL OR TORTUOUS ACTS OF AN EX-OFFENDER EMPLOYEE (WITH THE EXCEPTION OF GROSS NEGLIGENCE).

This protection only exempts the employer from liability arising directly from the decision to employ an ex-offender and does not affect vicarious liability incurred through the employee during the course of his employment.