

HB 1864 -- CRIMINAL RECORDS OF JOB APPLICANTS

SPONSOR: Dunn

This bill makes it an unlawful employment practice for a public or private employer with at least six employees to inquire into or consider the criminal record of an applicant before the applicant has received a conditional offer of employment.

Once the applicant has been offered the position, the employer may inquire into and consider whether the applicant has been found guilty of a felony or a misdemeanor. Felonies may only be considered if less than 10 years have elapsed since the applicant was released from custody or supervised release. Misdemeanors may only be considered for a five-year period.

The employment offer may only be withdrawn based on an offense that bears a rational relationship to the duties of the position. In addition, the bill specifies a list of factors the employer must consider before withdrawing a job offer based on the applicant's criminal record.

The bill does not apply to religious or sectarian employers, law enforcement agencies, the Department of Corrections, or any position when federal or state law requires or expressly permits the review of criminal histories of applicants.

This bill is similar to HB 560 (2015) and HB 1459 (2016).