

2019 Regular Session

HOUSE BILL NO. 189

BY REPRESENTATIVE JIM MORRIS (BY REQUEST)

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LOCAL EMPLOYEES: Provides with respect to employment applications with political subdivisions

1 AN ACT

2 To amend and reenact the heading of Chapter 29 of Title 42 of the Louisiana Revised  
3 Statutes of 1950 and to enact R.S. 42:1702, relative to local government  
4 employment; to provide for applications for employment with political subdivisions;  
5 to provide for consideration of certain criminal records; to provide for exceptions;  
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. The heading of Chapter 29 of Title 42 of the Louisiana Revised Statutes  
9 of 1950 is hereby amended and reenacted and R.S. 42:1702 is hereby enacted to read as  
10 follows:

11 CHAPTER 29. CONSIDERATION OF CRIMINAL HISTORY IN  
12 STATE PUBLIC EMPLOYMENT

13 \* \* \*

14 §1702. Consideration of arrest records; prohibited acts

15 A. No political subdivision, when filling an employment position, may  
16 inquire on an initial application form about a prospective employee's arrest record.

17 B. This prohibition does not preclude a political subdivision from inquiring  
18 about convictions, pending indictments, or pleas of nolo contendere of a prospective  
19 employee on the initial application form.

1           C. This prohibition does not preclude a political subdivision from  
2           considering a potential employee's arrest record in making the final determination  
3           of whether to employ a person. In considering an arrest record, the political  
4           subdivision may consider the following:

5                     (1) The nature and gravity of the arrest.

6                     (2) The time that has passed since the occurrence of the arrest.

7                     (3) The specific duties and essential functions of the position and the  
8           bearing, if any, that the arrest will have on the ability of the prospective employee  
9           to perform one or more of those duties or functions.

10           D. This Section does not apply to any employment position for which a  
11           criminal background check is required by law.

---

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 189 Engrossed

2019 Regular Session

Jim Morris

**Abstract:** Prohibits a local government from inquiring about a prospective employee's arrest record when filling an employment position.

Proposed law prohibits a political subdivision, when filling an employment position, from inquiring about a prospective employee's arrest record on the initial application form.

Proposed law does not prohibit a political subdivision from inquiring about a prospective employee's other criminal history on an initial application form.

Proposed law authorizes a political subdivision to consider the prospective employee's arrest records in making the political subdivision's final employment determination.

Proposed law provides that employment positions for which a background check is required by law are excepted from proposed law.

(Amends heading of Chapter 29 of Title 42; Adds R.S. 42:1702)