

2021 Regular Session

HOUSE BILL NO. 707 (Substitute for House Bill No. 480 by Representative Willard)

BY REPRESENTATIVES WILLARD, BRYANT, CARPENTER, GARY CARTER, WILFORD CARTER, DUPLESSIS, FREEMAN, GAINES, GREEN, HUGHES, JAMES, JEFFERSON, JONES, JORDAN, LARVADAIN, LYONS, MARCELLE, MOORE, NEWELL, PIERRE, AND SELDERS

EMPLOYMENT: Provides relative to employment discrimination

1 AN ACT

2 To enact R.S. 23:291.2, relative to employment discrimination; to prohibit discrimination
3 based on criminal history records; to provide criteria in making hiring decisions; to
4 provide for hiring decisions in conjunction with criminal history records; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:291.2 is hereby enacted to read as follows:

8 §291.2. Criminal history; hiring decisions

9 A. Unless otherwise provided by law, when making a hiring decision, an
10 employer shall not request or consider an arrest record or charge that did not result
11 in a conviction, if such information is received in the course of a background check.

12 B. When considering other types of criminal history records, an employer
13 shall make an individual assessment of whether an applicant's criminal history record
14 has a direct and adverse relationship with the specific duties of the job that may
15 justify denying the applicant the position. When making this assessment, an
16 employer shall consider all of the following:

17 (1) The nature and gravity of the offense or conduct.

18 (2) The time that has elapsed since the offense, conduct, or conviction.

19 (3) The nature of the job sought.

- 1 C. Upon written request by the applicant an employer shall make available
2 to the applicant any background check information used during the hiring process.
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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 707 Reengrossed

2021 Regular Session

Willard

Abstract: Prohibits employment discrimination based on criminal history records.

Proposed law provides that unless otherwise provided by law, when making a hiring decision, an employer shall not request or consider an arrest record or charge that did not result in a conviction, if such information is received in the course of a background check.

Proposed law provides that when considering other types of criminal history records, an employer shall make an individual assessment of whether an applicant's criminal history record has a direct and adverse relationship with the specific duties of the job that may justify denying the applicant the position.

Proposed law provides that when making the individual assessment, an employer shall consider all of the following:

- (1) The nature and gravity of the offense or conduct.
- (2) The time that has elapsed since the offense, conduct, or conviction.
- (3) The nature of the job sought.

Proposed law provides that upon written request by the applicant, an employer shall make available to the applicant, any background check information used during the hiring process.

(Adds R.S. 23:291.2)

Summary of Amendments Adopted by HouseThe House Floor Amendments to the engrossed bill:

1. Make a technical change.
2. Provide that unless otherwise provided by law, when making a hiring decision, an employer shall not request or consider an arrest or charge that did not result in a conviction, if such information is received in the course of a background check.