

Regular Session, 2014

HOUSE BILL NO. 217

BY REPRESENTATIVE SMITH

PUBLIC CONTRACTS: Creates the "Ban the Box for State Contracts Act" which prohibits certain contractors from inquiring about a job applicant's criminal history on a job application

1 AN ACT

2 To enact R.S. 39:1498(A)(10) and Chapter 27 of Subtitle III of Title 39 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 39:2211 through 2213, relative to
4 public contracts and procurement of services; to create the Ban the Box for State
5 Contracts Act; to prohibit certain contractors from inquiring about the criminal
6 history of job applicants on job application forms; to provide exceptions; to require
7 contractors provide affidavits of compliance; to provide for duties of the office of
8 contractual review and the state purchasing agency; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 39:1498(A)(10) and Chapter 27 of Subtitle III of Title 39 of the
12 Louisiana Revised Statutes of 1950, comprised of R.S. 39:2211 through 2213, are hereby
13 enacted to read as follows:

14 §1498. Approval of contract; penalties

15 A. Before approving a proposed contract for professional, personal,
16 consulting, or social services, the director of the office of contractual review or an
17 assistant shall have determined that:

18 * * *

1 (10) All requirements of R.S. 39:2213, if applicable, have been met.

2 * * *

3 CHAPTER 27. BAN THE BOX FOR STATE CONTRACTS ACT

4 §2211. Title

5 This Chapter shall be known as the "Ban the Box for State Contracts Act".

6 §2212. Applicability

7 A. This Chapter shall apply to procurements, cooperative endeavor
8 agreements, and public contracts governed by Chapter 16 of this Title and to
9 procurements for services, cooperative endeavor agreements for services, and public
10 contracts for services under Chapter 17 of this Title. This Chapter shall apply to new
11 procurements, cooperative endeavor agreements, and public contracts and to any
12 procurement agreements, cooperative endeavor agreements, and public contracts
13 modified after August 1, 2014.

14 B. This Chapter shall not apply to procurements, cooperative endeavor
15 agreements, and public contracts prohibited by federal law from inclusion in this
16 Chapter.

17 C. Political subdivisions may adopt all or a part of this Chapter and its
18 accompanying regulations.

19 §2213. Prohibition of inquiry by state contractors of criminal history on application
20 forms; exceptions; affidavits; notification of using agencies

21 A. A contractor shall be prohibited from inquiring about an applicant's
22 criminal history on a job application form if state or federal law does not require a
23 criminal background check for the position for which the applicant is applying;
24 however, a contractor may inquire about an applicant's criminal history at a personal
25 face-to-face interview or video interview conducted subsequent to completion of the
26 job application form or after the applicant has been given a conditional offer of
27 employment.

28 B. Any contract, cooperative endeavor agreement, or procurement agreement
29 subject to the provisions of this Chapter shall contain a sworn affidavit by the

1 contractor indicating the contractor's pledge to not inquire about a job applicant's
 2 criminal history on a job application form for a position which does not require a
 3 criminal background check.

4 C.(1) The office of contractual review and the central purchasing agency
 5 shall notify all using agencies of the requirements of this Chapter.

6 (2) The office of contractual review and the central purchasing agency may
 7 adopt rules and regulations necessary to implement the provisions of this Chapter.

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)]

Smith

HB No. 217

Abstract: Establishes the "Ban the Box for State Contracts Act" prohibiting state contractors from inquiring about an applicant's criminal history on a job application form unless the application is for a position which requires a criminal background check.

Proposed law establishes the "Ban the Box for State Contracts Act" which prohibits state contractors from inquiring about a job applicant's criminal history on a job application if state or federal law does not require a criminal background check for the position for which the applicant is applying. Permits the contractor to inquire about an applicant's criminal history in a personal face-to-face interview or video interview conducted subsequent to completion of the job application or after the applicant has been given a conditional offer of employment.

Proposed law requires that any contract, cooperative endeavor agreement, or procurement agreement subject to the provisions of proposed law shall contain a sworn affidavit by the contractor indicating the contractor's pledge to not inquire about a job applicant's criminal history on a job application for any position which does not require a criminal background check under present state or federal law.

Present law requires the office of contractual review, prior to approving a proposed contract for professional, personal, consulting, or social services, to determine that the requirements of proposed law have been met.

Proposed law authorizes political subdivisions to adopt all or a part of proposed law and its accompanying regulations.

Proposed law requires the office of contractual review and the central purchasing agency to notify all using agencies of the requirements of proposed law. Further authorizes the office of contractual review and the central purchasing agency to adopt rules and regulations necessary to implement the provisions of proposed law.

Proposed law shall apply to procurements, cooperative endeavor agreements, and public contracts governed by present law pertaining to professional, personal, consulting and social services procurement (Chapter 16 of Title 39) and to procurements for services, cooperative

endeavor agreements for services, and public contracts for services under the La. Procurement Code (Chapter 17 of Title 39).

Proposed law shall apply to new procurements and public contracts and to any public contracts modified after Aug. 1, 2014.

(Adds R.S. 39:1498(A)(10) and R.S. 39:2211-2213)