

RÉSUMÉ DIGEST

ACT 398 (HB 266)

2016 Regular Session

Marcelle

New law prohibits a state employer from inquiring about a prospective unclassified employee's criminal history until after the prospective employee has been given an opportunity to interview for the position or, if no such interview is to be conducted, until after the prospective employee has been given a conditional offer of employment.

New law provides that it does not prohibit a state employer from considering the criminal history of a prospective employee in making the final determination of whether to employ the person. Provides that in considering the criminal history of the prospective employee, the state employer may consider the following:

- (1) The nature and gravity of the criminal conduct.
- (2) The time that has passed since the occurrence of the criminal conduct.
- (3) The duties and functions of the position and the bearing the criminal conduct will have on the performance of those duties or functions.

New law provides that new law does not apply to positions in law enforcement or corrections or to positions for which a criminal background check is required by law.

Effective August 1, 2016.

(Adds R.S. 42:1701)