

## RÉSUMÉ DIGEST

**ACT 406 (HB 707)**

**2021 Regular Session**

**Willard**

New 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.

New 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.

New 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.

New 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.

Effective August 1, 2021.

(Adds R.S. 23:291.2)