

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 Original

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)