

2026 Regular Session

HOUSE BILL NO. 282

BY REPRESENTATIVE MARCELLE

EMPLOYMENT: Provides relative to employment discrimination based on criminal history records

1 AN ACT

2 To enact R.S. 23:291.2(B)(4) through (6) and (D), relative to employment discrimination
3 based on criminal history records; to provide additional factors to consider in making
4 a hiring decision in conjunction with criminal history records; to provide for
5 enforcement; to provide for relief and penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:291.2(B)(4) through (6) and (D) are hereby enacted to read as
8 follows:

9 §291.2. Criminal history; hiring decisions

10 * * *

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

16 * * *

17 (4) Any evidence of rehabilitation mitigation, including but not limited to
18 completion of educational or vocational training, employment history, or
19 participation in rehabilitative programs.

the applicant the position. Present law further requires an employer to consider all of the following when making this assessment:

- (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 adds the following criteria that an employer shall consider when making the assessment:

- (1) Any evidence of rehabilitation mitigation, including but not limited to completion of educational or vocational training, employment history, or participation in rehabilitative programs.
- (2) Whether the applicant was a juvenile at the time of the offense or conduct.
- (3) Whether a direct nexus exists between the job duties sought and the nature of the prior offense or conduct.

Present law requires an employer, upon the applicant's written request, to make available to the applicant any background check information used during the hiring process.

Proposed law retains present law.

Proposed law allows an applicant aggrieved by a violation of present law and proposed law to file a complaint with the La. Commission on Human Rights.

Proposed law requires the commission to investigate complaints, conduct hearings, and issue findings of fact and determinations of compliance or noncompliance.

Proposed law requires the commission to order appropriate relief in any of the following ways if it determines that a violation has occurred:

- (1) A cease and desist order.
- (2) A corrective action relating to the hiring process.
- (3) A civil penalty not to exceed \$1,000 per each violation.
- (4) Any other relief authorized by law.

Proposed law provides that nothing in present law and proposed law shall be construed to create a private cause of action.

(Adds R.S. 23:291.2(B)(4)-(6) and (D))