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## DIGEST

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Dixon

HB No. 505

**Abstract:** Provides civil immunity for an employer who hires an employee who has been convicted of certain offenses.

Present law provides immunity from civil liability for any employer who discloses information to a prospective or current employer of a former employee's job performance if the information provided is not provided in bad faith.

Present law provides immunity from civil liability for negligent hiring, negligent retention, and other hiring-related causes of action for any employer who relies on information disclosed by a former employer, unless further information, such as a criminal background check, is required by law.

Present law provides definitions for "background check", "employer", "employee", "owner", "prospective employer", "prospective employee", and "job performance".

Present law provides immunity from civil liability from suits for failure to hire, wrongful termination, invasion of privacy, negligent hiring, or negligent retention for an employer who conducts a background check of an employee or prospective employee after having obtained written permission to do so by the employee or at the request of the owner or operator of a facility at which the employee is employed.

Proposed law retains present law.

Proposed law provides immunity from civil liability for negligent hiring or failing to adequately supervise for any employer, general contractor, premises owner, or other third party who hires an employee or independent contractor who has been convicted of an offense except offenses against the person, misappropriation with violence to the person, offenses affecting sexual immorality, offenses affecting the health and morals of minors, offenses affecting the health and safety of the infirm, and illegal carrying and discharge of weapons.

Proposed law provides that if a suit is brought for negligent hiring or inadequate supervision, the fact that the employee or independent contractor has been convicted of a nonviolent, nonsexual offense shall not be introduced into evidence.

Proposed law provides exceptions to civil liability. Protections provided under proposed law do not apply to:

- (1) The misuse of funds if the employee or general contractor had been convicted of a crime that includes fraud or the misuse of funds or property as an element of the offense and it was foreseeable that the position for which he was hired would involve the management of funds.
- (2) The misuse of funds if the employee or general contractor had been hired as an attorney and had been convicted of a crime that includes fraud or the misuse of funds or property as an element of the offense.
- (3) An act of violence or use of excessive force by the employee or independent contractor if he was hired as a law enforcement officer or a security guard.

Proposed law provides that proposed law shall not be interpreted as implying that a cause of action exists for situations not covered by proposed law. Proposed law further provides that liability shall not be presumed unless expressly established by statute.

(Adds R.S. 23:291(E) and (F))