

ACT No. 398

2016 Regular Session

HOUSE BILL NO. 266

BY REPRESENTATIVES MARCELLE, BAGNERIS, CARPENTER, COX, EMERSON, GAINES, HALL, JIMMY HARRIS, JACKSON, JAMES, JEFFERSON, JENKINS, TERRY LANDRY, LYONS, DUSTIN MILLER, NORTON, PIERRE, PRICE, RICHARD, SMITH, AND WHITE AND SENATORS BISHOP AND CARTER

1 AN ACT

2 To enact Chapter 29 of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 42:1701, relative to state employment; to provide relative to the consideration
4 of criminal history in unclassified employment; to prohibit certain conduct; to
5 provide for applicability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Chapter 29 of Title 42 of the Louisiana Revised Statutes of 1950,
8 comprised of R.S. 42:1701, is hereby enacted to read as follows:

9 CHAPTER 29. CONSIDERATION OF CRIMINAL HISTORY IN
10 STATE EMPLOYMENT

11 §1701. Consideration of criminal history; prohibited acts

12 A. No state employer, when filling a position, may inquire, including without
13 limitation on an initial application form, about a prospective employee's criminal
14 history until after the prospective employee has been given an opportunity to
15 interview for the position or, if no such interview is to be conducted, until after the
16 prospective employee has been given a conditional offer of employment.

17 B. Nothing in this Section shall be construed to prohibit a state employer
18 from considering the criminal history of a prospective employee in making the final
19 determination of whether to employ the person. In considering the criminal history
20 of the prospective employee, the state employer may consider the following:

21 (1) The nature and gravity of the criminal conduct.

1 (2) The time that has passed since the occurrence of the criminal conduct.

2 (3) The specific duties and essential functions of the position and the
3 bearing, if any, that the criminal conduct will have on the ability of the prospective
4 employee to perform one or more of those duties or functions.

5 C. For purposes of this Section, "state employer" means any department,
6 office, division, agency, commission, board, committee, or other organizational unit
7 of the state.

8 D. This Section applies to each position in the state unclassified service,
9 except a position in law enforcement or corrections or a position for which a criminal
10 background check is required by law.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.