
DIGEST

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Smith

HB No. 485

Abstract: Prohibits a state employer from inquiring about a prospective employee's criminal history until after an interview or a conditional offer of employment is made and provides for the consideration of criminal history in making employment decisions.

Proposed law prohibits a state employer from inquiring, including on an initial application form, about a prospective employee's criminal history until after the prospective employee has been given an opportunity to interview for the position or, if no such interview is to be conducted, until after the prospective employee has been given a conditional offer of employment.

Proposed law provides that it does not prohibit a state employer from considering the criminal history of a prospective employee in making the final determination of whether to employ the person. Provides, however, that in considering the criminal history of the prospective employee, the state employer shall consider the following:

- (1) The nature and gravity of the criminal conduct.
- (2) The time that has passed since the occurrence of the criminal conduct.
- (3) The specific duties and essential functions of the position and the bearing, if any, that the criminal conduct will have on the ability of the prospective employee to perform one or more of those duties or functions.

Proposed law defines "state employer" as any department, office, division, agency, commission, board, committee, or other organizational unit of the state. Provides that proposed law applies to each position in the state unclassified service, except that it does not apply to positions in law enforcement or corrections or to positions for which a criminal background check is required by law.

(Adds R.S. 42:1701)