HLS 16RS-417 ORIGINAL

2016 Regular Session

HOUSE BILL NO. 231

BY REPRESENTATIVES SMITH AND MARCELLE

PUBLIC CONTRACTS: Creates the "Ban the Box for State Contracts Act" which prohibits certain contractors from inquiring about a job applicant's criminal history on a job application

1	AN ACT
2	To enact Subpart G of Part II of Chapter 17 of Title 39 of the Louisiana Revised Statutes of
3	1950, to be comprised of R.S. 39:1591.1 through 1591.3 and R.S. 39:1624(A)(10),
4	relative to public contracts and the procurement of services; to create the Ban the
5	Box for State Contracts Act; to prohibit certain contractors from inquiring about the
6	criminal history of job applicants on job application forms; to provide exceptions;
7	to require contractors to provide affidavits of compliance; to provide for duties of the
8	state chief procurement officer; and to provide for related matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. Subpart G of Part II of Chapter 17 of Title 39 of the Louisiana Revised
11	Statutes of 1950, comprised of R.S. 39:1591.1 through 1591.3 and R.S. 39:1624(A)(10) are
12	hereby enacted to read as follows:
13	SUBPART G. BAN THE BOX FOR STATE CONTRACTS ACT
14	<u>§1591.1. Title</u>
15	This Subpart shall be known as the "Ban the Box for State Contracts Act".
16	§1591.2. Applicability
17	A. This Subpart shall apply to procurements, cooperative endeavor
18	agreements, and public contracts governed by this Chapter. This Subpart shall apply
19	to new procurements, cooperative endeavor agreements, and public contracts and to
20	any procurement agreements, cooperative endeavor agreements, and public contracts
21	modified after August 1, 2016.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	B. This Subpart shall not apply to procurements, cooperative endeavor
2	agreements, and public contracts prohibited by federal law from inclusion in this
3	Subpart.
4	C. Political subdivisions may adopt all or a part of this Subpart and its
5	accompanying regulations.
6	§1591.3. Prohibition of inquiry by state contractors of criminal history on
7	application forms; exceptions; affidavits; notification of using agencies
8	A. A contractor shall be prohibited from inquiring about an applicant's
9	criminal history on a job application form if state or federal law does not require a
10	criminal background check for the position for which the applicant is applying.
11	However, a contractor may inquire about an applicant's criminal history at a
12	personal face-to-face interview or video interview conducted subsequent to
13	completion of the job application form or after the applicant has been given a
14	conditional offer of employment.
15	B. Any contract, cooperative endeavor agreement, or procurement agreement
16	subject to the provisions of this Subpart shall contain a sworn affidavit by the
17	contractor indicating the contractor's pledge to not inquire about a job applicant's
18	criminal history on a job application form for a position which does not require a
19	criminal background check.
20	C.(1) The state chief procurement officer shall notify all using agencies of
21	the requirements of this Subpart.
22	(2) The state chief procurement officer may adopt rules and regulations
23	necessary to implement the provisions of this Subpart.
24	* * *
25	§1624. Approval of contract; penalties
26	A. Before approving a proposed contract for professional, personal,
27	consulting, or social services, the state chief procurement officer or an assistant shall
28	have determined that:
29	* * *

(10) All requirements of R.S. 39:1591.3, if applicable, have been met.

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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 231 Original

2016 Regular Session

Smith

Abstract: Establishes the "Ban the Box for State Contracts Act" prohibiting state contractors from inquiring about an applicant's criminal history on a job application form unless the application is for a position which requires a criminal background check.

<u>Proposed law</u> establishes the "Ban the Box for State Contracts Act" which prohibits state contractors from inquiring about a job applicant's criminal history on a job application if state or federal law does not require a criminal background check for the position for which the applicant is applying. Permits the contractor to inquire about an applicant's criminal history in a personal face-to-face interview or video interview conducted subsequent to completion of the job application or after the applicant has been given a conditional offer of employment.

<u>Proposed law</u> requires that any contract, cooperative endeavor agreement, or procurement agreement subject to the provisions of <u>proposed law</u> contain a sworn affidavit by the contractor indicating the contractor's pledge to not inquire about a job applicant's criminal history on a job application for any position which does not require a criminal background check.

<u>Present law</u> requires the state chief procurement officer, prior to approving a proposed contract for professional, personal, consulting, or social services, to determine that the requirements of <u>proposed law</u> have been met.

<u>Proposed law</u> authorizes political subdivisions to adopt all or a part of <u>proposed law</u> and its accompanying regulations.

<u>Proposed law</u> requires the state chief procurement officer to notify all using agencies of the requirements of <u>proposed law</u>. Further authorizes the state chief procurement officer to adopt rules and regulations necessary to implement the provisions of proposed law.

<u>Proposed law</u> shall apply to procurements, cooperative endeavor agreements, and public contracts governed by the La. Procurement Code (Chapter 17 of Title 39) and to new procurements and public contracts and to any public contracts modified after Aug. 1, 2016.

(Adds R.S. 39:1591.1-1591.3 and 1624(A)(10))