

STATE JOB APPLICATIONS PROCESS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies general labor provisions.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that a public employer may not require an applicant to disclose a past criminal conviction before an initial interview for employment; and
- ▶ provides exemptions for certain public employers.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

34-51-101, Utah Code Annotated 1953

34-51-102, Utah Code Annotated 1953

34-51-201, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **34-51-101** is enacted to read:



CHAPTER 51. REDUCING BARRIERS TO EMPLOYMENT FOR INDIVIDUALS WITH CRIMINAL RECORDS

34-51-101. Title.

This chapter is known as "Reducing Barriers to Employment for Individuals with Criminal Records."

Section 2. Section 34-51-102 is enacted to read:

34-51-102. Definitions.

As used in this chapter:

(1) "Applicant" means an individual who provides information to a public employer for the purpose of obtaining employment.

(2) "Criminal conviction" means a verdict or finding of guilt after a criminal trial or a plea of guilty or nolo contendere to a criminal charge.

(3) "Public employer" means an employer that is:

(a) the state or any administrative subunit of the state, including a department, division, board, council, committee, institution, office, bureau, or other similar administrative unit of state government;

(b) a state institution of higher education; or

(c) a municipal corporation, county, municipality, school district, local district, special service district, or other political subdivision of the state.

Section 3. Section 34-51-201 is enacted to read:

34-51-201. Employer requirements.

(1) A public employer may not exclude an applicant from an initial interview because of a past criminal conviction.

(2) A public employer excludes an applicant from an initial interview if the public employer:

(a) requires an applicant to disclose on an employment application a criminal conviction;

(b) requires an applicant to disclose, before an initial interview, a criminal conviction; or

(c) if no interview is conducted, requires an applicant to disclose, before making a conditional offer of employment, a criminal conviction.

- 59 (3) Subject to Subsections (1) and (2), nothing in this section prevents an employer
60 from:
- 61 (a) asking an applicant for information about an applicant's criminal conviction history
62 during an initial interview or after an initial interview; or
- 63 (b) considering an applicant's conviction history when making a hiring decision.
- 64 (4) Subsections (1) and (2) do not apply:
- 65 (a) if federal, state, or local law, including corresponding administrative rules, requires
66 the consideration of an applicant's criminal conviction history;
- 67 (b) to a public employer that is a law enforcement agency;
- 68 (c) to a public employer that is part of the criminal justice system; ~~H~~→ ~~or~~
- 68a **(d) to the Department of Public Safety;**
- 68b **(e) to the Utah Transit Authority;**
- 68c **(f) to a public employer seeking to hire an employee who will handle classified**
68d **information; or**
- 69 ~~(d)~~ (g) ←H to a public employer seeking a nonemployee volunteer.

Legislative Review Note
Office of Legislative Research and General Counsel