

**STATE JOB APPLICATIONS PROCESS**

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Sandra Hollins**

Senate Sponsor: \_\_\_\_\_

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**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

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

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



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

30                   **34-51-101. Title.**

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

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

34                   **34-51-102. Definitions.**

35                   As used in this chapter:

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

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

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

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

44                   (b) a state institution of higher education; or

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

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

48                   **34-51-201. Employer requirements.**

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

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

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

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

57                   (c) if no interview is conducted, requires an applicant to disclose, before making a  
58 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; or
- 69           (d) to a public employer seeking a nonemployee volunteer.

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**