

Representative Sandra Hollins proposes the following substitute bill:

STATE JOB APPLICATION PROCESS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sandra Hollins

Senate Sponsor: Jani Iwamoto

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:

34-52-101, Utah Code Annotated 1953

34-52-102, Utah Code Annotated 1953

34-52-201, Utah Code Annotated 1953



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

27 Section 1. Section **34-52-101** is enacted to read:

28 **CHAPTER 52. REDUCING BARRIERS TO EMPLOYMENT FOR**
29 **INDIVIDUALS WITH CRIMINAL RECORDS**

30 **34-52-101. Title.**

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

33 Section 2. Section **34-52-102** is enacted to read:

34 **34-52-102. 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 **34-52-201** is enacted to read:

48 **34-52-201. 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 ~~H~~→ **or juvenile** ←~~H~~ justice system;

69 (d) to a public employer seeking a nonemployee volunteer;

70 (e) to a public employer that works with children or vulnerable adults ~~H~~→ **[as part of the**
71 **human services system]** ←~~H~~ ; ~~S~~→ **[and]** ←~~S~~

72 (f) to the Department of Alcoholic Beverage Control created in Section [32B-2-203](#) ~~S~~→ [~~S~~→
72a ~~]; and~~ ←~~S~~]; ←~~S~~

72b ~~S~~→ [~~S~~→ ~~(g) to the State Tax Commission.~~ ←~~S~~] (g) to the State Tax Commission; and

72c (h) to a public employer whose primary purpose is performing financial or fiduciary
72d functions. ←~~S~~