

1 STATE JOB APPLICATION PROCESS

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Sandra Hollins

5 Senate Sponsor: Jani Iwamoto

6 Cosponsors:	Brian S. King	Raymond P. Ward
7 Patrice M. Arent	Karen Kwan	Elizabeth Weight
8 Joel K. Briscoe	Carol Spackman Moss	Mark A. Wheatley
9 Rebecca Chavez-Houck	Marie H. Poulson	Mike Winder
10 Susan Duckworth	Edward H. Redd	
11 Lynn N. Hemingway	Angela Romero	

12

13 LONG TITLE

14 General Description:

15 This bill modifies general labor provisions.

16 Highlighted Provisions:

17 This bill:

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

22 Money Appropriated in this Bill:

23 None

24 Other Special Clauses:

25 None

26 Utah Code Sections Affected:

27 ENACTS:

28 [34-52-101](#), Utah Code Annotated 1953

29 [34-52-102](#), Utah Code Annotated 1953

30 [34-52-201](#), Utah Code Annotated 1953

31

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

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

34 **CHAPTER 52. REDUCING BARRIERS TO EMPLOYMENT FOR**
35 **INDIVIDUALS WITH CRIMINAL RECORDS**

36 **34-52-101. Title.**

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

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

40 **34-52-102. Definitions.**

41 As used in this chapter:

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

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

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

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

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

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

53 Section 3. Section **34-52-201** is enacted to read:

54 **34-52-201. Employer requirements.**

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

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

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

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

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

65 (3) Subject to Subsections (1) and (2), nothing in this section prevents an employer
66 from:

67 (a) asking an applicant for information about an applicant's criminal conviction history
68 during an initial interview or after an initial interview; or

69 (b) considering an applicant's conviction history when making a hiring decision.

70 (4) Subsections (1) and (2) do not apply:

71 (a) if federal, state, or local law, including corresponding administrative rules, requires
72 the consideration of an applicant's criminal conviction history;

73 (b) to a public employer that is a law enforcement agency;

74 (c) to a public employer that is part of the criminal or juvenile justice system;

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

76 (e) to a public employer that works with children or vulnerable adults;

77 (f) to the Department of Alcoholic Beverage Control created in Section [32B-2-203](#);

78 (g) to the State Tax Commission; and

79 (h) to a public employer whose primary purpose is performing financial or fiduciary
80 functions.