

## HB0156S01 compared with HB0156

~~deleted text~~ shows text that was in HB0156 but was deleted in HB0156S01.

Inserted text shows text that was not in HB0156 but was inserted into HB0156S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Sandra Hollins proposes the following substitute bill:

### STATE JOB APPLICATION PROCESS

2017 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

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### 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

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

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

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

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

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

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

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

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

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

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(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.

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

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

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

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

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

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

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

(d) to a public employer seeking a nonemployee volunteer ~~.~~

### Legislative Review Note

#### Office of Legislative Research and General Counsel:

(e) to a public employer that works with children or vulnerable adults as part of the human services system; and

(f) to the Department of Alcoholic Beverage Control created in Section 32B-2-203.