

Representative Marsha Judkins proposes the following substitute bill:

FORMER OFFENDER EMPLOYMENT AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marsha Judkins

Senate Sponsor: Michael S. Kennedy

LONG TITLE

General Description:

This bill addresses employment and licensing of a former offender as a mental health professional.

Highlighted Provisions:

This bill:

- ▶ creates and modifies definitions;
- ▶ when hiring a mental health professional, prohibits certain public employers and public employer contractors from:

- considering certain arrests or criminal convictions;
- denying employment based on certain criminal convictions; and
- denying certain employment based on the mental health professional's

participation in substance use treatment;

- ▶ when hiring a mental health professional, prohibits a private employer from ~~H→~~ [:

~~—————•] ←H~~ excluding an applicant ~~H→~~ **from an interview** ~~←H~~ for certain arrests

~~H→~~ [~~or~~], ~~←H~~ a juvenile adjudication ~~H→~~ [~~;~~and] , **or** ~~←H~~

~~H→~~ [~~————•————making an inquiry regarding an applicant's~~] **an** ~~←H~~ expunged criminal

~~H→~~ [~~history~~] **offense** ~~←H~~ ;

- ▶ prohibits the Division of Occupational and Professional Licensing from:

- considering certain criminal convictions when taking certain actions regarding a mental health professional's license; and

2nd Sub. H.B. 192



150 public employer.

151 Section 3. Section **34-52-302** is enacted to read:

152 **34-52-302. Private employer requirements when hiring a mental health**
 153 **professional.**

154 (1) Except as provided in Subsection (4), a private employer may not ~~H→~~ [:

155 — ~~(a)~~ ~~←H~~ exclude a mental health professional applicant from an initial interview because of
 155a ~~H→~~ ; ~~←H~~

156 ~~H→~~ (a) ~~←H~~ an arrest that occurred when the mental health professional applicant was
 156a younger than 18

157 years old ~~H→~~ [or] ;

157a (b) ~~←H~~ a juvenile adjudication; or

158 ~~H→~~ [~~(b)~~ ~~make an inquiry related to a mental health professional applicant's~~] (c) an ~~←H~~
 158a expunged

159 criminal ~~H→~~ [~~history~~] offense ~~←H~~ .

160 (2) A private employer excludes a mental health professional applicant from an initial
 161 interview under Subsection (1) ~~H→~~ [~~(a)~~ ~~←H~~ if the private employer:

162 (a) requires the mental health professional applicant to disclose, on an employment
 163 application, a juvenile adjudication ~~H→~~ , an expunged criminal offense, ~~←H~~ or an arrest
 163a described in Subsection (1) ~~H→~~ [~~(a)~~ ~~←H~~ ;

164 (b) requires the mental health professional applicant to disclose, before an initial
 165 interview, a juvenile adjudication ~~H→~~ , an expunged criminal offense, ~~←H~~ or an arrest described
 165a in Subsection (1) ~~H→~~ [~~(a)~~ ~~←H~~ ; or

166 (c) if no interview is conducted, requires the mental health professional applicant to
 167 disclose, before making a conditional offer of employment, a juvenile adjudication ~~H→~~ , an
 167a expunged criminal offense, ~~←H~~ or an arrest
 168 described in Subsection (1) ~~H→~~ [~~(a)~~ ~~←H~~ .

169 (3) Except as provided in Subsections (1) and (2), this section does not prevent a
 170 private employer from:

171 (a) asking a mental health professional applicant for information about the mental
 172 health professional applicant's criminal conviction history during an initial interview or after an
 173 initial interview; or

174 (b) considering a mental health professional applicant's criminal conviction history
 175 when making a hiring decision.

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