

1 AN ACT relating to criminal histories of job applicants.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 344.030 TO 344.110 IS
4 CREATED TO READ AS FOLLOWS:

5 *(1) The General Assembly finds and declares that it is imperative to remove obstacles*
6 *and barriers to employment for persons with past criminal records. Persons with*
7 *past criminal records should not be discriminated against and prevented from*
8 *engaging in meaningful and profitable employment opportunities that will assist*
9 *them in resuming the responsibilities of citizenship.*

10 *(2) It is an unlawful practice for an employer to consider or require disclosure of the*
11 *criminal record or criminal history, including past felony or misdemeanor*
12 *convictions and pending felony and misdemeanor charges, of an applicant for*
13 *employment:*

14 *(a) Until the applicant has been selected for an interview by the employer; or*

15 *(b) If there is not an interview, before a conditional offer of employment is*
16 *made to the applicant.*

17 *(3) An employer may ask an applicant for information about criminal history at the*
18 *first interview or thereafter, in accordance with all applicable state and federal*
19 *laws.*

20 *(4) This section does not apply to:*

21 *(a) Any law enforcement agency position;*

22 *(b) Any position requiring a criminal background check pursuant to federal or*
23 *state law, rules, regulations, or case law, or a self-regulatory organization*
24 *as defined in Section 3(a)(26) of the Securities Exchange Act of 1934, 15*
25 *U.S.C. sec. 78c(26);*

26 *(c) Any position in which an applicant with a criminal background is*
27 *disqualified from employment pursuant to federal or state law; or*

1 (d) Any position in which the applicant would be required to obtain a standard
2 fidelity bond or an equivalent bond, but would be disqualified from
3 obtaining such a bond due to a criminal conviction.

4 (5) This section does not prohibit an employer from notifying applicants that current
5 law or the employer's policy will disqualify an individual with a particular
6 criminal history background from employment in particular positions.

7 ➔Section 2. This Act may be cited as the Ban the Box - The Criminal Record
8 Employment Discrimination Act.