

Regular Session, 2011

HOUSE BILL NO. 210

BY REPRESENTATIVE LAFONTA

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EMPLOYMENT: Prohibits inquiries relating to an employee's arrest history on job applications

1 AN ACT

2 To enact Part VIII of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 23:373, relative to employment discrimination; to prohibit
4 inquiries relating to a potential employee's arrest history on job applications; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Part VIII of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of
8 1950, comprised of R.S. 23:373, is hereby enacted to read as follows:

9 PART VIII. CRIMINAL HISTORY

10 §373. Prohibition of inquiry of arrest records on job applications; exceptions

11 A. It shall be unlawful for an employer to inquire about the arrest record of
12 an applicant on a job application.

13 B. Inquiry into and consideration of any arrest of a prospective employee
14 shall take place only after the prospective employee has received a conditional offer
15 of employment which may be withdrawn if the prospective employee has an arrest
16 record that bears a rational relationship to the duties and responsibilities of the
17 position for which he is being considered.

18 C. The provisions of this Section shall not apply to employers who are
19 required by law to conduct a criminal history background check or consider criminal
20 history in the hiring process.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

LaFonta

HB No. 210

Abstract: Prohibits the inquiry of arrest records on a job application.

Proposed law prohibits employers from inquiring, on job applications, about criminal arrest history.

Proposed law allows inquiry into arrest records of prospective employees after an offer of employment has been extended and the offer may only be withdrawn if the arrest or conviction bears a rational relationship to the duties and responsibilities of the position for which he is being considered.

Proposed law provides exceptions for employers who are otherwise required by law to conduct criminal background checks on prospective employees.

(Adds R.S. 23:373)