

ACT No. 406

HOUSE BILL NO. 707 (Substitute for House Bill No. 480 by Representative Willard)

BY REPRESENTATIVES WILLARD, BRYANT, CARPENTER, GARY CARTER, WILFORD CARTER, DUPLESSIS, FREEMAN, GAINES, GREEN, HUGHES, JAMES, JEFFERSON, JONES, JORDAN, LARVADAIN, LYONS, MARCELLE, MOORE, NEWELL, PIERRE, AND SELDERS

1 AN ACT

2 To enact R.S. 23:291.2, relative to employment discrimination; to prohibit discrimination
3 based on criminal history records; to provide criteria in making hiring decisions; to
4 provide for hiring decisions in conjunction with criminal history records; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:291.2 is hereby enacted to read as follows:

8 §291.2. Criminal history; hiring decisions

9 A. Unless otherwise provided by law, when making a hiring decision, an
10 employer shall not request or consider an arrest record or charge that did not result
11 in a conviction, if such information is received in the course of a background check.

12 B. When considering other types of criminal history records, an employer
13 shall make an individual assessment of whether an applicant's criminal history record
14 has a direct and adverse relationship with the specific duties of the job that may
15 justify denying the applicant the position. When making this assessment, an
16 employer shall consider all of the following:

- 17 (1) The nature and gravity of the offense or conduct.
18 (2) The time that has elapsed since the offense, conduct, or conviction.
19 (3) The nature of the job sought.

1 C. Upon written request by the applicant an employer shall make available
2 to the applicant any background check information used during the hiring process.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____