

NO FISCAL IMPACT

Drafting Number: LLS 10-0238**Date:** January 13, 2010**Prime Sponsor(s):** Rep. Waller
Sen. Hudak**Bill Status:** House Judiciary**Fiscal Analyst:** Sara McPhee (303-866-4782)

TITLE: CONCERNING CLARIFYING CIVIL LIABILITY REGARDING NEGLIGENT HIRING PRACTICES FOR AN EMPLOYER THAT HIRES A PERSON WITH A CRIMINAL RECORD.**Summary of Legislation**

This bill, recommended by the Economic Opportunity Poverty Reduction Task Force, prohibits information concerning an employee's criminal history from being introduced as evidence in a civil action against an employer in the following circumstances:

- the criminal history is not related to the facts of the case;
- the employee's record is sealed;
- the employee received a pardon; or
- the employee's record is from an arrest or charge that did not result in a criminal conviction.

It does not eliminate any statutory requirement for criminal history background checks in hiring for certain positions. The bill takes effect August 11, 2010, if the General Assembly adjourns on May 12, 2010, as scheduled, and no referendum petition is filed.

Assessment

This bill clarifies current law and is assessed as having no fiscal impact. Typically, if a civil suit were brought against an employer, the circumstances delineated in the bill would not be considered relevant to the case and, therefore, not eligible to be introduced as evidence. These types of cases occur infrequently; when they do arise, this bill clarifies for the courts when an individual's criminal history may be used as evidence.

Departments ContactedJudicial
LawLabor and Employment
Personnel and Administration