

**UPDATED SUMMARY  
HOUSE BILL 16-1388**

**Second Regular Session - Seventieth Colorado General Assembly**

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*This summary applies to the reengrossed version of this bill as introduced in the second house. It does not reflect any amendments that may be subsequently adopted. This summary reflects only the main points of the legislation.*

The bill generally prohibits an employer from:

- ! Advertising that a person with a criminal history may not apply for a position;
- ! Placing a statement in an employment application that a person with a criminal history may not apply for a position; or
- ! Making an inquiry about a candidate's arrests or criminal convictions until the candidate has been offered an interview or a conditional offer of employment.

An employer is exempt from these restrictions when:

- ! The law forbids a person from being employed on account of a criminal conviction or requires an employer to consider a candidate's criminal history for the job;
- ! The employer is participating in a program to encourage employment of people with criminal histories; or
- ! The job requires a fidelity bond and the criminal history would disqualify the candidate.

An employer must keep applications for 9 months. The department of labor and employment will enforce the section with civil penalties. A violation of the restrictions does not create a private cause of action.