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**HOUSE COMMITTEE AMENDMENTS**

2021 Regular Session

Substitute for Original House Bill No. 480 by Representative Willard as proposed by the House Committee on Labor and Industrial Relations

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**This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.**

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

Be it enacted by the Legislature of Louisiana:

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

§291.2 Criminal history; hiring decisions

A. When making a hiring decision, an employer shall not request or consider an arrest record or charge that did not result in a conviction, if such information is received in the course of a background check.

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

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

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

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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)]

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HB Draft

2021 Regular Session

**Abstract:** Prohibits employment discrimination based on criminal history records.

Proposed law provides that when making a hiring decision, an employer shall not request or consider an arrest record or charge that did not result in a conviction, if such information is received in the course of a background check.

Proposed law provides that when considering other types of criminal history records, an employer shall make an individual assessment of whether an applicant's criminal history record has a direct and adverse relationship with the specific duties of the job that may justify denying the applicant the position.

Proposed law provides that when making the individual assessment, an employer shall consider all of the following:

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

Proposed law provides that upon written request by the applicant, an employer shall make available to the applicant, any background check information used during the hiring process.

(Adds R.S. 23:291.2)