
DIGEST

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Smith

HB No. 217

Abstract: Establishes the "Ban the Box for State Contracts Act" prohibiting state contractors from inquiring about an applicant's criminal history on a job application form unless the application is for a position which requires a criminal background check.

Proposed law establishes the "Ban the Box for State Contracts Act" which prohibits state contractors from inquiring about a job applicant's criminal history on a job application if state or federal law does not require a criminal background check for the position for which the applicant is applying. Permits the contractor to inquire about an applicant's criminal history in a personal face-to-face interview or video interview conducted subsequent to completion of the job application or after the applicant has been given a conditional offer of employment.

Proposed law requires that any contract, cooperative endeavor agreement, or procurement agreement subject to the provisions of proposed law shall contain a sworn affidavit by the contractor indicating the contractor's pledge to not inquire about a job applicant's criminal history on a job application for any position which does not require a criminal background check under present state or federal law.

Present law requires the office of contractual review, prior to approving a proposed contract for professional, personal, consulting, or social services, to determine that the requirements of proposed law have been met.

Proposed law authorizes political subdivisions to adopt all or a part of proposed law and its accompanying regulations.

Proposed law requires the office of contractual review and the central purchasing agency to notify all using agencies of the requirements of proposed law. Further authorizes the office of contractual review and the central purchasing agency to adopt rules and regulations necessary to implement the provisions of proposed law.

Proposed law shall apply to procurements, cooperative endeavor agreements, and public contracts governed by present law pertaining to professional, personal, consulting and social services procurement (Chapter 16 of Title 39) and to procurements for services, cooperative endeavor agreements for services, and public contracts for services under the La. Procurement Code (Chapter 17 of Title 39).

Proposed law shall apply to new procurements and public contracts and to any public contracts

modified after Aug. 1, 2014.

(Adds R.S. 39:1498(A)(10) and R.S. 39:2211-2213)