

STAFF MEASURE SUMMARY

House Committee On Business and Labor

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

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**Action Date:** 04/20/15

**Action:** Do Pass As Amended And Be Printed Engrossed.

**Meeting Dates:** 03/25, 04/20

**Vote:**

Yeas: 6 - Barton, Doherty, Evans, Fagan, Holvey, Nosse

Nays: 5 - Barreto, Esquivel, Heard, Kennemer, Weidner

**Prepared By:** Jan Nordlund, Committee Administrator

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**WHAT THE MEASURE DOES:**

Establishes unlawful employment practice for employer in the following cases: use of a job application form that inquires about applicant's conviction history; inquiring about or considering an applicant's conviction history prior to an interview; or inquiring about or considering an applicant's conviction history prior to making a conditional offer of employment when no interview is conducted. Creates right of civil action for violation.

**ISSUES DISCUSSED:**

- Whether an employer should consider application before inquiring into conviction history
- Ability of individuals to change their character after a conviction
- Inaccurate information on background checks performed by private companies
- Whether people with a conviction history are becoming a protected class
- Potential vulnerability of employers who hire someone with a conviction history
- Impact of conviction remaining on the record even when conviction is reversed

**EFFECT OF COMMITTEE AMENDMENT:**

Replaces original measure.

**BACKGROUND:**

After release, ex-offenders are expected to reintegrate into society by obtaining suitable housing, complying with court-ordered payment of debts such as restitution and/or child support in arrears, and supporting themselves, all of which being predicated on their ability to secure gainful employment. Studies have also found that employment can reduce recidivism. According to the National Conference of State Legislatures (NCSL) at least 27 states limit or prohibit the use of criminal records for public or private employment and/or licensing eligibility. NCSL also reports that 13 states, plus the District of Columbia, have enacted "Ban the Box" legislation restricting or prohibiting employers from using applicant's criminal history in employment consideration, with few exceptions.