

## AMENDMENTS TO SENATE BILL NO. 1043

Sponsor: SENATOR GREENLEAF

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1 Amend Bill, page 1, lines 16 through 18; page 2, line 1; by  
2 striking out all of said lines on said pages and inserting

3 (b) Use of information.--An employer may use criminal  
4 history record information relating to an employment applicant  
5 or an employee as follows:

6 (1) Felony and misdemeanor convictions occurring before  
7 the start of employment may be considered by the employer  
8 only to the extent to which they relate to [the applicant's]  
9 suitability for employment in the position [for which he has]  
10 applied for or held.

11 (2) Nothing in this act shall inhibit the ability of an  
12 employer to consider felony and misdemeanor convictions  
13 occurring after the start of employment as the basis for an  
14 adverse employment action for a period of two years following  
15 the employer's knowledge of the conviction without regard to  
16 the employee's suitability for the employment position.  
17 Nothing in this act shall inhibit the ability of an employer  
18 to suspend the employment of an employee who is charged with  
19 a felony or misdemeanor offense until the resolution of the  
20 charge.

21 (3) Nothing in this act shall inhibit the ability of an  
22 employer to, at any time and without regard for the  
23 applicant's or employee's suitability for employment, take an  
24 adverse employment action against an employment applicant or  
25 employee who failed to accurately and fully disclose criminal  
26 history record information that was lawfully requested by the  
27 employer.

28 (4) Suitability for employment may be determined by  
29 examining such factors as:

30 (i) The nature of the offense.

31 (ii) Circumstances surrounding the offense.

32 (iii) Time elapsed since the offense.

33 (iv) Evidence of the individual's rehabilitation.

34 (v) The nature and requirements of the employment  
35 position.