

1 AN ACT relating to criminal histories of job applicants.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 344 IS CREATED TO  
4 READ AS FOLLOWS:

- 5 *(1) The General Assembly finds and declares that it is imperative to remove obstacles*  
6 *and barriers to employment for persons with past criminal records. Persons with*  
7 *past criminal records should not be discriminated against and prevented from*  
8 *engaging in meaningful and profitable employment opportunities that will assist*  
9 *them in resuming the responsibilities of citizenship.*
- 10 *(2) It is an unlawful practice for an employer to consider or require disclosure of the*  
11 *criminal record or criminal history, including past felony or misdemeanor*  
12 *convictions and pending felony and misdemeanor charges, of an applicant for*  
13 *employment:*
- 14 *(a) Until the applicant has been selected for an interview by the employer; or*  
15 *(b) If there is not an interview, before a conditional offer of employment is*  
16 *made to the applicant.*
- 17 *(3) An employer may ask an applicant for information about criminal history at the*  
18 *first interview or thereafter, in accordance with all applicable state and federal*  
19 *laws.*
- 20 *(4) This section does not apply to:*
- 21 *(a) Any law enforcement agency position;*  
22 *(b) Any position requiring a criminal background check pursuant to federal or*  
23 *state law, rules, regulations, or case law, or a self-regulatory organization*  
24 *as defined in Section 3(a)(26) of the Securities Exchange Act of 1934;*  
25 *(c) Any position wherein an applicant with a criminal background is*  
26 *disqualified from employment pursuant to federal or state law; or*  
27 *(d) Any position wherein the applicant would be required to obtain a standard*

1                   *fidelity bond or an equivalent bond, but would be disqualified from*  
2                   *obtaining such a bond due to a criminal conviction.*

3 *(5) This section does not prohibit an employer from notifying applicants that law or*  
4 *the employer's policy will disqualify an individual with a particular criminal*  
5 *history background from employment in particular positions.*

6                   ➔Section 2. Section 1 of this Act shall be known as "Ban the Box - The Criminal  
7 Record Employment Discrimination Act."