

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."