

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 344.030 TO 344.110 IS CREATED  
4 TO 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 the Securities Exchange Act of 1934, 15 U.S.C. sec.  
25 78c(a)(26);

26 (c) Any position in which an applicant with a criminal background is  
27 disqualified from employment pursuant to federal or state law; or

1        (d) Any position in which the applicant would be required to obtain a standard  
2        fidelity bond or an equivalent bond, but would be disqualified from  
3        obtaining such a bond due to a criminal conviction.

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

7        ➔Section 2. This Act may be cited as the Ban the Box - The Criminal Record  
8        Employment Discrimination Act.