

**Local Mandate Fiscal Impact Estimate  
Kentucky Legislative Research Commission  
2016 Regular Session**

**Part I: Measure Information**

**Bill Request #:** 118

**Bill #:** HB 76

**Bill Subject/Title:** AN ACT relating to criminal histories of job applicants

**Sponsor:** Representative George A. Brown, Jr.

Unit of Government:     City                                     County                                     Urban-County  
    Charter County                     Consolidated Local                     Unified Local  
   \_\_\_\_\_                                    \_\_\_\_\_                                    \_\_\_\_\_ Government

Office(s) Impacted: All offices that hire employees

Requirement:     Mandatory    \_\_\_\_\_ Optional

Effect on

Powers & Duties:     Modifies Existing    \_\_\_\_\_ Adds New    \_\_\_\_\_ Eliminates Existing

**Part II: Purpose and Mechanics**

The purpose of HB 76 is to remove obstacles to employment for persons with a criminal history. HB 76 would prohibit a potential employer from requiring disclosure of an applicant’s criminal history on a job application. Section 1 of the bill would create a new section of KRS Chapter 344 (Kentucky’s Civil Rights Act) to make it an illegal practice for an employer to consider or require disclosure of the criminal record or criminal history of a job applicant **until** the applicant has been selected for an interview, or where there is no interview, before a conditional offer of employment is made to the applicant. The bill would not apply to applicants for a law enforcement position, a position requiring a criminal background check pursuant to federal or state law, or a position where the applicant would be required to obtain a fidelity bond or equivalent bond but would be disqualified from obtaining the bond because of a criminal conviction. An employer would not be prohibited from notifying applicants that law or employer policy disqualifies an individual with a particular criminal history from employment in particular positions. An employer would be allowed to ask an applicant for information about criminal history at the first interview, in accordance with applicable state and federal laws. Section 2 of the bill would declare the Act the “Ban the Box-The Criminal Record Employment Discrimination Act.”

**Part III: Fiscal Explanation, Bill Provisions, and Estimated Cost**

**Any fiscal impact of HB 76 on local governments would arise in their capacity as employers. The fiscal impact of HB 76 on local governments would be none to minimal.**

Under current law, KRS Chapter 335B (Licensing and Public Employment Qualifications) already prohibits public employment hiring discrimination based solely on an applicant's prior criminal conviction, with several exceptions. HB 76 would eliminate criminal history as an early "screening tool" to eliminate an applicant as a candidate for a job; it would simply delay the point at which an employer may inquire about criminal history to the time of the first interview, or before a conditional offer of a job is made to the applicant. The only cost to local governments would be, perhaps, changing an application form.

**Data Source(s):** Kentucky League of Cities

**Preparer:** Mary Stephens      **Reviewer:** JWN      **Date:** 1/4/17