

House Bill 813

By: Representative Waites of the 60<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to  
2 general provisions relative to labor and industrial relations, so as to provide that it shall be  
3 unlawful for any employer to include on an application for employment a question inquiring  
4 whether the applicant has ever been arrested for, charged with, or convicted of any crime;  
5 to provide for exceptions; to provide that such information may be sought during the first  
6 personal interview with the candidate; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general  
10 provisions relative to labor and industrial relations, is amended by adding a new Code section  
11 to read as follows:

12 "34-1-8.

13 It shall be unlawful for any employer to include on any application for employment, except  
14 applications for law enforcement agency positions or positions related to law enforcement  
15 agencies, a question inquiring or to otherwise inquire either orally or in writing whether the  
16 applicant has ever been arrested for, charged with, or convicted of any crime; provided,  
17 however, that:

18 (1) If a federal or state law or regulation creates a mandatory or presumptive  
19 disqualification from employment based on a person's conviction of one or more  
20 specified criminal offenses, an employer may include a question or otherwise inquire  
21 whether the applicant has ever been convicted of any of those offenses;

22 (2) If a standard fidelity bond or an equivalent bond is required for the position for which  
23 the applicant is seeking employment and his or her conviction of one or more specified  
24 criminal offenses would disqualify the applicant from obtaining such a bond, an employer  
25 may include a question or otherwise inquire whether the applicant has ever been  
26 convicted of any of those offenses; and

27 (3) Any employer may ask an applicant for information about his or her criminal  
28 convictions at the first interview or thereafter, in accordance with all applicable state and  
29 federal laws."

30

**SECTION 2.**

31 All laws and parts of laws in conflict with this Act are repealed.