

AN ACT relating to criminal histories of job applicants.

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

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

(1) *The General Assembly finds and declares that it is imperative to remove obstacles and barriers to employment for persons with past criminal records. Persons with past criminal records should not be discriminated against and prevented from engaging in meaningful and profitable employment opportunities that will assist them in resuming the responsibilities of citizenship.*

(2) *It is an unlawful practice for an employer to consider or require disclosure of the criminal record or criminal history of an applicant for employment until:*

(a) *The applicant has been selected for an interview by the employer; or*

(b) *If there is not an interview, before a conditional offer of employment is made to the applicant.*

(3) *An employer may ask an applicant for information about criminal history at the first interview or thereafter, in accordance with all applicable state and federal laws.*

(4) *This section does not apply to:*

(a) *Any law enforcement agency position;*

(b) *Any position requiring a criminal background check pursuant to federal or state law;*

(c) *Any position wherein an applicant with a criminal background is disqualified from employment pursuant to federal or state law; or*

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

(5) *This section does not prohibit an employer from notifying applicants that law or*

*the employer's policy will disqualify an individual with a particular criminal history background from employment in particular positions.*

→Section 2. This Act shall be known as "Ban the Box-The Criminal Record Employment Discrimination Act."