

§600-A. Criminal history record information; employment application

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Criminal history record information" has the same meaning as in Title 16, section 703, subsection 3. [PL 2021, c. 404, §1 (NEW).]

B. "Employer" means a person in this State who employs individuals. "Employer" includes municipalities and political subdivisions of the State, but does not include an employer of an individual who holds a position in the legislative, executive or judicial branch of State Government or a position with a quasi-independent state entity or public instrumentality of the State. "Employer" includes a person acting in the interest of an employer directly or indirectly. [PL 2021, c. 404, §1 (NEW).]

[PL 2021, c. 404, §1 (NEW).]

2. Initial employee application form. Except as provided in subsection 4, an employer may not:

A. Request criminal history record information on the employer's initial employee application form; or [PL 2021, c. 404, §1 (NEW).]

B. State on an initial employee application form or advertisement or specify prior to determining a person is otherwise qualified for the position that a person with a criminal history may not apply or will not be considered for a position. [PL 2021, c. 404, §1 (NEW).]

[PL 2021, c. 404, §1 (NEW).]

3. Interviews. An employer may inquire about a prospective employee's criminal history record information during an interview or once the prospective employee has been determined otherwise qualified for the position. An employer that inquires about a prospective employee's criminal history record information shall afford to the prospective employee the opportunity to explain the information and the circumstances regarding any convictions, including post-conviction rehabilitation.

[PL 2021, c. 404, §1 (NEW).]

4. Exceptions for initial employee application form. An employer may inquire about criminal convictions on an initial employee application form or state on an initial employee application form or advertisement or otherwise assert that a person with a criminal history may not apply or will not be considered for a position if:

A. The position is one for which a federal or state law or regulation or rule creates a mandatory or presumptive disqualification based on a conviction for one or more types of criminal offenses, and the questions on the initial employee application form are limited to the types of criminal offenses creating the disqualification; or [PL 2021, c. 404, §1 (NEW).]

B. The employer is subject to an obligation imposed by a federal or state law or regulation or rule not to employ in a position a person who has been convicted of one or more types of criminal offenses, and the questions on the initial employee application form are limited to the types of criminal offenses creating the obligation. [PL 2021, c. 404, §1 (NEW).]

[PL 2021, c. 404, §1 (NEW).]

5. Penalty. This section must be enforced pursuant to section 626-A.

[PL 2021, c. 404, §1 (NEW).]

SECTION HISTORY

PL 2021, c. 404, §1 (NEW).

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