

1 SB358
2 163915-1
3 By Senator Sanders
4 RFD: Judiciary
5 First Read: 09-APR-15

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8 SYNOPSIS: Under existing law, there is no Alabama
9 statute prohibiting an employer from discriminating
10 against a job applicant based on his or her
11 criminal record. This bill would prohibit employers
12 from inquiring on any application for employment
13 whether the applicant has ever been arrested,
14 charged with, or convicted of any crime, unless the
15 position is related to law enforcement or a law or
16 regulation allows an individual to be disqualified
17 from employment because of a criminal conviction.
18 This bill would allow an employer to ask an
19 applicant for information about his or her criminal
20 record at a first interview or thereafter.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To prohibit employers from inquiring on any
27 application for employment whether the applicant has ever been

1 arrested, charged with, or convicted of any crime, unless the
2 position is related to law enforcement or a law or regulation
3 allows an individual to be disqualified from employment
4 because of a criminal conviction; and to specifically allow an
5 employer to ask an applicant for information about his or her
6 criminal record at a first interview or thereafter.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) As used in this section, "conviction"
9 means any verdict or finding of guilt after a criminal trial
10 or any plea of guilty or nolo contendere to a criminal charge.

11 (b) It is an unlawful employment practice for an
12 employer to include in any application for employment, except
13 an application for a position related to law enforcement, a
14 question inquiring or to otherwise inquire either orally or in
15 writing whether the applicant has ever been arrested, charged
16 with, or convicted of any crime; provided, however, that:

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

23 (2) If a standard fidelity bond or an equivalent
24 bond is required for the position for which the applicant is
25 seeking employment and his or her conviction of one or more
26 specified criminal offenses would disqualify the applicant
27 from obtaining such a bond, an employer may include a question

1 or otherwise inquire whether the applicant has ever been
2 convicted of any of those offenses.

3 (c) Notwithstanding subsection (b), an employer may
4 ask an applicant for information about his or her criminal
5 convictions at the first interview or thereafter, in
6 accordance with all applicable state and federal laws.

7 Section 2. This act shall become effective on the
8 first day of the third month following its passage and
9 approval by the Governor, or its otherwise becoming law.