

By: Representative Sykes

To: Workforce Development;
Judiciary B

HOUSE BILL NO. 94

1 AN ACT TO PROHIBIT EMPLOYERS FROM INQUIRING EITHER ORALLY OR
2 IN WRITING REGARDING AN APPLICANT'S CRIMINAL HISTORY; TO PROVIDE
3 EXCEPTIONS; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** It shall be an unlawful employment practice for
6 any employer, except for law enforcement agency positions or
7 positions related to law enforcement agencies, to inquire either
8 orally or in writing whether the applicant has ever been arrested,
9 charged or convicted of any crime; except:

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

15 (b) If a standard fidelity bond or an equivalent bond
16 is required for the position for which the applicant is seeking
17 employment and his or her conviction of one or more specified
18 criminal offenses would disqualify the applicant from obtaining



19 such a bond, an employer may include a question or otherwise
20 inquire whether the applicant has ever been convicted of any of
21 those offenses;

22 (c) If a federal or state law or regulation authorizes
23 an employer to fingerprint and/or perform criminal history record
24 checks, child abuse registry checks, sex offender registry checks,
25 vulnerable adult abuse or neglect checks, felony conviction record
26 information checks, and other similar record checks as provided by
27 federal or state law or regulation; and

28 (d) Notwithstanding the foregoing, any employer may ask
29 an applicant for information about his or her criminal convictions
30 at the first interview or thereafter, in accordance with all
31 applicable state and federal laws.

32 **SECTION 2.** This act shall take effect and be in force from
33 and after July 1, 2018.

