

General Assembly

Substitute Bill No. 5237

February Session,
2016

* _____ HB05237APP _____ 041516 _____ *

AN ACT CONCERNING FAIR CHANCE EMPLOYMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 46a-80 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2016):

(a) Except as provided in subsection (c) of this section, subsection (b) of section 46a-81 and section 36a-489, and notwithstanding any other provisions of state law to the contrary, [a] no employer, as defined in subdivision (10) of section 46a-51, shall disqualify any person [shall not be disqualified] from employment, [by the state or any of its agencies,] nor shall a person be disqualified to practice, pursue or engage in any occupation, trade, vocation, profession or business for which a license, permit, certificate or registration is required to be issued by the state or any of its agencies solely because of a prior conviction of a crime.

(b) Except for a position for which any provision of the general statutes specifically disqualifies a person from employment [by the state or any of its agencies] because of a prior conviction of a crime, no employer [, as defined in section 5-270,] shall inquire about a prospective employee's past convictions until such prospective employee has been deemed otherwise qualified for the position and made a conditional offer of employment. For purposes of this subsection, a "conditional offer of employment" means an employer's offer of employment that is contingent only upon a prospective employee's successful completion of an employer's application process or the production of valid licensure necessary for such employment.

(c) A person may be denied employment [by the state or any of its agencies,] by an employer or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, profession or business by the state or any of its agencies by reason of the prior conviction of a crime if, after considering (1) the nature of the crime and its relationship to the job for which the person has applied; (2) information pertaining to the degree of rehabilitation of the convicted person; and (3) the time elapsed since the conviction or release, the employer, state or any of its agencies determines that the applicant is not suitable for the position of employment sought or the specific occupation, trade, vocation, profession or business for which the license, permit, certificate or registration is sought. In making a determination under this subsection, the employer, state or any of its agencies shall give consideration to a provisional pardon issued pursuant to section 54-130e, or a certificate of rehabilitation issued pursuant to section 54-108f or 54-130e, and such provisional pardon or certificate of rehabilitation shall establish a presumption that such applicant has been rehabilitated. If an application is denied based on a conviction for which the applicant has received a provisional pardon or certificate of rehabilitation, the employer, state or any of its agencies, as the case may be, shall provide a written statement to the applicant of its reasons for such denial.

(d) If a conviction of a crime is used as a basis for rejection of an applicant, such rejection shall be in writing and specifically state the evidence presented and reasons for rejection. A copy of such rejection shall be sent by registered or electronic mail to the applicant.

(e)In no case may records of arrest, which are not followed by a conviction, or records of convictions, which have been erased, be used, distributed or disseminated by [an employer](#), the state or any of its agencies in connection with an application for employment or for a permit, license, certificate or registration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	46a-80

APP *Joint Favorable Subst.*