

# Legislative Analysis

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## **PROHIBIT EMPLOYERS FROM ASKING ABOUT FELONIES ON INITIAL APPLICATIONS**

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**House Bill 4366**

**Sponsor: Rep. Fred Durhal, Jr.**

**Committee: Commerce**

**Complete to 10-7-13**

### **A SUMMARY OF HOUSE BILL 4366 AS INTRODUCED 3-5-13**

The bill would prohibit an employer from eliciting information about a felony conviction on an initial application for employment. The bill would create a new act, "the Employment Application Fairness Act."

However, the prohibition would not apply to: (1) a background check or any written, electronic, or oral inquiry that takes place after the submission of the initial application for employment or (2) an inquiry that is necessary to enable an employer to comply with a requirement of state or federal law.

A person alleging a violation of this new act could bring a civil action for appropriate injunctive relief or damages, or both, in the circuit court for the county where the alleged violation occurred or where the person against whom the complaint is filed lives or has a principal place of business. In addition to damages for injury or loss caused by each violation, the court could award to the complainant all or a portion of the costs of litigation, including reasonable attorney fees and witness fees.

### **FISCAL IMPACT:**

The bill would have an indeterminate fiscal impact on the judiciary and on local courts. The fiscal impact would depend on the number of civil actions brought to civil courts and the related administrative costs.

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