



General Assembly

Amendment

February Session, 2002

LCO No. 5459

SB0045605459HD0

Offered by:

REP. DYSON, 94th Dist.

REP. ABRAMS, 83rd Dist.

REP. DIAMANTIS, 79th Dist.

SEN. PRAGUE, 19th Dist.

REP. LAWLOR, 99th Dist.

SEN. COLEMAN, 2nd Dist.

To: Subst. Senate Bill No. 456

File No. 352

Cal. No. 364

**"AN ACT CONCERNING EMPLOYMENT PROTECTION FOR
CRIME VICTIMS."**

1 After line 27, add the following:

2 "Sec. 2. Section 31-51i of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2002*):

4 (a) For the purposes of this section, "employer" means any person
5 engaged in business who has one or more employees, including the
6 state or any political subdivision of the state.

7 (b) No employer or an employer's agent, representative or designee
8 may require an employee or prospective employee to disclose the
9 existence of any arrest, criminal charge or conviction, the records of
10 which have been erased pursuant to section 46b-146, 54-76o or 54-142a.

11 (c) An employment application form that contains any question

12 concerning the criminal history of the applicant shall contain a notice,
13 in clear and conspicuous language: (1) That the applicant is not
14 required to disclose the existence of any arrest, criminal charge or
15 conviction, the records of which have been erased pursuant to section
16 46b-146, 54-76o or 54-142a, (2) that criminal records subject to erasure
17 pursuant to section 46b-146, 54-76o or 54-142a are records pertaining to
18 a finding of delinquency or that a child was a member of a family with
19 service needs, an adjudication as a youthful offender, a criminal charge
20 that has been dismissed or nolleed, a criminal charge for which the
21 person has been found not guilty or a conviction for which the person
22 received an absolute pardon, and (3) that any person whose criminal
23 records have been erased pursuant to section 46b-146, 54-76o or 54-
24 142a shall be deemed to have never been arrested within the meaning
25 of the general statutes with respect to the proceedings so erased and
26 may so swear under oath.

27 (d) No employer or an employer's agent, representative or designee
28 shall deny employment to a prospective employee solely on the basis
29 that the prospective employee had a prior arrest, criminal charge or
30 conviction, the records of which have been erased pursuant to section
31 46b-146, 54-76o or 54-142a.

32 (e) No employer or an employer's agent, representative or designee
33 shall discharge, or cause to be discharged, or in any manner
34 discriminate against, any employee solely on the basis that the
35 employee had, prior to being employed by such employer, an arrest,
36 criminal charge or conviction, the records of which have been erased
37 pursuant to section 46b-146, 54-76o or 54-142a.

38 (f) The portion of [a job] an employment application form which
39 contains information concerning the [arrest record of a job] criminal
40 history record of an applicant or employee shall [not be available to
41 any employee or member of the company, firm or corporation
42 interviewing such applicant except the members of the personnel
43 department or the person in charge of employment if such company,
44 firm or corporation has no personnel department] only be available to

45 the members of the personnel department of the company, firm or
46 corporation or, if the company, firm or corporation does not have a
47 personnel department, the person in charge of employment, and to
48 any employee or member of the company, firm or corporation, or an
49 agent of such employee or member, involved in the interviewing of the
50 applicant."