



General Assembly

February Session, 2002

**Amendment**

LCO No. 4017

\*SB0045604017HD0\*

Offered by:

REP. DYSON, 94<sup>th</sup> Dist.  
REP. DIAMANTIS, 79<sup>th</sup> Dist.  
REP. LAWLOR, 99<sup>th</sup> Dist.  
SEN. PRAGUE, 19<sup>th</sup> Dist.  
SEN. COLEMAN, 2<sup>nd</sup> 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 Section 31-51i of the general statutes is repealed and the  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) An employer or an employer's agent, representative or designee  
28 who verbally asks an employee or prospective employee about such  
29 employee's or prospective employee's criminal history shall, prior to  
30 such questioning, inform such employee or prospective employee: (1)  
31 That he or she is not required to disclose the existence of any arrest,  
32 criminal charge or conviction, the records of which have been erased  
33 pursuant to section 46b-146, 54-76o or 54-142a, (2) that criminal records  
34 subject to erasure pursuant to section 46b-146, 54-76o or 54-142a are  
35 records pertaining to a finding of delinquency or that a child was a  
36 member of a family with service needs, an adjudication as a youthful  
37 offender, a criminal charge that has been dismissed or nolleed, a  
38 criminal charge for which the person has been found not guilty or a  
39 conviction for which the person received an absolute pardon, and (3)  
40 that any person whose criminal records have been erased pursuant to  
41 section 46b-146, 54-76o or 54-142a shall be deemed to have never been  
42 arrested within the meaning of the general statutes with respect to the  
43 proceedings so erased and may so swear under oath.

44 (e) No employer or an employer's agent, representative or designee

45 shall deny employment to a prospective employee solely on the basis  
46 that the prospective employee had a prior arrest, criminal charge or  
47 conviction, the records of which have been erased pursuant to section  
48 46b-146, 54-76o or 54-142a.

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

55 (g) The portion of [a job] an employment application form which  
56 contains information concerning the [arrest record of a job] criminal  
57 history of an applicant or employee shall not be available to any  
58 employee or member of the company, firm or corporation interviewing  
59 such applicant except the members of the personnel department or the  
60 person in charge of employment if such company, firm or corporation  
61 has no personnel department."