



General Assembly

January Session, 2003

Amendment

LCO No. 6657

SB0094606657HD0

Offered by:

REP. DIAMANTIS, 79th Dist.

To: Subst. Senate Bill No. 946

File No. 563

Cal. No. 546

"AN ACT CONCERNING CRIMINAL HISTORY RECORDS CHECKS FOR EMPLOYEES WHO WORK WITH PERSONS WITH MENTAL RETARDATION."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 31-51i of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

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

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

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

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

28 (d) No employer or an employer's agent, representative or designee
29 shall deny employment to a prospective employee solely on the basis
30 that the prospective employee had a prior arrest, criminal charge or
31 conviction, the records of which have been erased pursuant to section
32 46b-146, 54-76o or 54-142a.

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

39 (f) The portion of an employment application form which contains
40 information concerning the criminal history record of an applicant or
41 employee shall only be available to the members of the personnel
42 department of the company, firm or corporation or, if the company,
43 firm or corporation does not have a personnel department, the person
44 in charge of employment, and to any employee or member of the
45 company, firm or corporation, or an agent of such employee or

46 member, involved in the interviewing of the applicant.

47 (g) Notwithstanding the provisions of subsection (f) of this section,
48 the portion of an employment application form which contains
49 information concerning the criminal history record of an applicant or
50 employee may be made available as necessary to persons other than
51 those specified in said subsection (f) by:

52 (1) A broker-dealer or investment adviser registered under chapter
53 672a in connection with (A) the possible or actual filing of, or the
54 collection or retention of information contained in, a form U-4 Uniform
55 Application for Securities Industry Registration or Transfer, (B) the
56 compliance responsibilities of such broker-dealer or investment
57 adviser under state or federal law, or (C) the applicable rules of self-
58 regulatory organizations promulgated in accordance with federal law;

59 (2) An insured depository institution in connection with (A) the
60 management of risks related to safety and soundness, security or
61 privacy of such institution, (B) any waiver that may possibly or
62 actually be sought by such institution pursuant to section 19 of the
63 Federal Deposit Insurance Act, 12 USC 1829(a), (C) the possible or
64 actual obtaining by such institution of any security or fidelity bond, or
65 (D) the compliance responsibilities of such institution under state or
66 federal law; and

67 (3) An insurance producer licensed under chapter 701a in
68 connection with (A) the management of risks related to security or
69 privacy of such insurance producer, or (B) the compliance
70 responsibilities of such insurance producer under state or federal law."