



General Assembly

January Session, 2009

Committee Bill No. 733

LCO No. 2738

* SB00733LAB__030609__*

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

AN ACT CREATING A CIVIL ACTION FOR A CONSUMER REPORTING AGENCY REPORTING A PROSPECTIVE EMPLOYEE'S ERASED CRIMINAL HISTORY.

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

1 Section 1. Subsection (h) of section 31-51i of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2009*):

4 (h) (1) For the purposes of this subsection: (A) "Consumer reporting
5 agency" means any person who regularly engages, in whole or in part,
6 in the practice of assembling or preparing consumer reports for a fee,
7 which reports compile and report items of information on consumers
8 that are matters of public record and are likely to have an adverse
9 effect on a consumer's ability to obtain employment, but does not
10 include any public agency; (B) "consumer report" means any written,
11 oral or other communication of information bearing on an individual's
12 credit worthiness, credit standing, credit capacity, character, general
13 reputation, personal characteristics or mode of living; and (C)
14 "criminal matters of public record" means information obtained from
15 the Judicial Department relating to arrests, indictments, convictions,
16 outstanding judgments, and any other conviction information, as

17 defined in section 54-142g.

18 (2) Each consumer reporting agency that issues a consumer report
19 that is used or is expected to be used for employment purposes and
20 that includes in such report criminal matters of public record
21 concerning the consumer shall:

22 (A) At the time the consumer reporting agency issues such
23 consumer report to a person other than the consumer who is the
24 subject of the report, provide the consumer who is the subject of the
25 consumer report (i) notice that the consumer reporting agency is
26 reporting criminal matters of public record, and (ii) the name and
27 address of the person to whom such consumer report is being issued;

28 (B) Maintain procedures designed to ensure that any criminal
29 matter of public record reported is complete and up-to-date as of the
30 date the consumer report is issued, which procedures shall, at a
31 minimum, conform to the requirements set forth in section 54-142e.

32 (3) This subsection shall not apply in the case of an agency or
33 department of the United States government seeking to obtain and use
34 a consumer report for employment purposes if the head of the agency
35 or department makes a written finding pursuant to 15 USC
36 1681b(b)(4)(A).

37 (4) A consumer reporting agency that discloses to an employer the
38 existence of any arrest, criminal charge or conviction, the records of
39 which have been erased pursuant to section 46b-146, 54-76o or 54-142a,
40 shall be liable in a civil action for damages, court costs and reasonable
41 attorney's fees to the aggrieved employee or prospective employee.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2009 | 31-51i(h) |

LAB *Joint Favorable*