



General Assembly

Substitute Bill No. 5207

February Session, 2010

* _____HB05207LABGAE030910_____*

AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES.

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

1 Section 1. Section 46a-80 of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2010*):

4 (a) Except as provided in subsection (b) of this section, subsection
5 (b) of section 46a-81 and section 36a-489, and [notwithstanding any
6 other provisions of law to the contrary,] any other provision of the
7 general statutes that specifically disqualifies a person [shall not be
8 disqualified] from employment by the state of Connecticut or any of its
9 agencies [, nor shall a person be disqualified to practice, pursue or
10 engage] or disqualifies a person from practicing, pursuing or engaging
11 in any occupation, trade, vocation, profession or business for which a
12 license, permit, certificate or registration is required to be issued by the
13 state of Connecticut or any of its agencies because of a prior conviction
14 of a crime, a person shall not be disqualified from employment by the
15 state of Connecticut or any of its agencies nor shall a person be
16 disqualified to practice, pursue or engage in any occupation, trade,
17 vocation, profession or business for which a license, permit,
18 certification or registration is required to be issued by the state of
19 Connecticut or any of its agencies solely because of a prior conviction

20 of a crime.

21 (b) A person may be denied employment by the state or any of its
 22 agencies, or a person may be denied a license, permit, certificate or
 23 registration to pursue, practice or engage in an occupation, trade,
 24 vocation, profession or business by reason of the prior conviction of a
 25 crime if after considering (1) the nature of the crime and its
 26 relationship to the job for which the person has applied; (2)
 27 information pertaining to the degree of rehabilitation of the convicted
 28 person; and (3) the time elapsed since the conviction or release, the
 29 state, or any of its agencies determines that the applicant is not suitable
 30 for the position of employment sought or the specific occupation,
 31 trade, vocation, profession or business for which the license, permit,
 32 certificate or registration is sought.

33 (c) Except as provided in subsection (a) of this section, no employer,
 34 as defined in section 5-270, shall inquire about a prospective
 35 employee's past convictions using a consumer report, as defined in
 36 section 31-51i, until such prospective employee has been deemed
 37 qualified for the position and a conditional offer of employment has
 38 been made to the prospective employee.

39 [(c)] (d) If a conviction of a crime is used as a basis for rejection of an
 40 applicant, such rejection shall be in writing and specifically state the
 41 evidence presented and reasons for rejection. A copy of such rejection
 42 shall be sent by registered mail to the applicant.

43 [(d)] (e) In no case may records of arrest, which are not followed by
 44 a conviction, or records of convictions, which have been erased, be
 45 used, distributed or disseminated by the state or any of its agencies in
 46 connection with an application for employment or for a permit, license,
 47 certificate or registration.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2010	46a-80

LAB

Joint Favorable Subst. C/R

GAE