



General Assembly

**Substitute Bill No. 5237**

February Session, 2016

\* \_\_\_\_\_HB05237APP\_\_\_\_041516\_\_\_\_\_\*

**AN ACT CONCERNING FAIR CHANCE EMPLOYMENT.**

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

1 Section 1. Section 46a-80 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Except as provided in subsection (c) of this section, subsection  
4 (b) of section 46a-81 and section 36a-489, and notwithstanding any  
5 other provisions of state law to the contrary, [a] no employer, as  
6 defined in subdivision (10) of section 46a-51, shall disqualify any  
7 person [shall not be disqualified] from employment, [by the state or  
8 any of its agencies,] nor shall a person be disqualified to practice,  
9 pursue or engage in any occupation, trade, vocation, profession or  
10 business for which a license, permit, certificate or registration is  
11 required to be issued by the state or any of its agencies solely because  
12 of a prior conviction of a crime.

13 (b) Except for a position for which any provision of the general  
14 statutes specifically disqualifies a person from employment [by the  
15 state or any of its agencies] because of a prior conviction of a crime, no  
16 employer [, as defined in section 5-270,] shall inquire about a  
17 prospective employee's past convictions until such prospective  
18 employee has been deemed otherwise qualified for the position and  
19 made a conditional offer of employment. For purposes of this

20 subsection, a "conditional offer of employment" means an employer's  
21 offer of employment that is contingent only upon a prospective  
22 employee's successful completion of an employer's application process  
23 or the production of valid licensure necessary for such employment.

24 (c) A person may be denied employment [by the state or any of its  
25 agencies,] by an employer or a person may be denied a license, permit,  
26 certificate or registration to pursue, practice or engage in an  
27 occupation, trade, vocation, profession or business by the state or any  
28 of its agencies by reason of the prior conviction of a crime if, after  
29 considering (1) the nature of the crime and its relationship to the job  
30 for which the person has applied; (2) information pertaining to the  
31 degree of rehabilitation of the convicted person; and (3) the time  
32 elapsed since the conviction or release, the employer, state or any of its  
33 agencies determines that the applicant is not suitable for the position of  
34 employment sought or the specific occupation, trade, vocation,  
35 profession or business for which the license, permit, certificate or  
36 registration is sought. In making a determination under this  
37 subsection, the employer, state or any of its agencies shall give  
38 consideration to a provisional pardon issued pursuant to section 54-  
39 130e, or a certificate of rehabilitation issued pursuant to section 54-108f  
40 or 54-130e, and such provisional pardon or certificate of rehabilitation  
41 shall establish a presumption that such applicant has been  
42 rehabilitated. If an application is denied based on a conviction for  
43 which the applicant has received a provisional pardon or certificate of  
44 rehabilitation, the employer, state or any of its agencies, as the case  
45 may be, shall provide a written statement to the applicant of its  
46 reasons for such denial.

47 (d) If a conviction of a crime is used as a basis for rejection of an  
48 applicant, such rejection shall be in writing and specifically state the  
49 evidence presented and reasons for rejection. A copy of such rejection  
50 shall be sent by registered or electronic mail to the applicant.

51 (e) In no case may records of arrest, which are not followed by a  
52 conviction, or records of convictions, which have been erased, be used,

53 distributed or disseminated by an employer, the state or any of its  
54 agencies in connection with an application for employment or for a  
55 permit, license, certificate or registration.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2016</i>	46a-80
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**APP**      *Joint Favorable Subst.*