

House Bill 9

By: Representatives Brooks of the 55th, Waites of the 60th, Dawkins-Haigler of the 91st, and Scott of the 76th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to labor and industrial relations, so as to provide that it shall be
3 unlawful for any employer to include on an application for employment a question inquiring
4 whether the applicant has ever been arrested for, charged with, or convicted of any crime;
5 to provide for exceptions; to provide that such information may be sought during the first
6 interview with the applicant; to provide that the criminal history records of an applicant may
7 be sought after the first interview with the applicant; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general
12 provisions relative to labor and industrial relations, is amended by adding a new Code section
13 to read as follows:

14 "34-1-8.

15 It shall be unlawful for any employer to include on any application for employment, except
16 applications for law enforcement agency positions or positions related to law enforcement
17 agencies, a question inquiring or to otherwise inquire either orally or in writing whether the
18 applicant has ever been arrested for, charged with, or convicted of any crime; provided,
19 however, that:

20 (1) If a federal or state law or regulation creates a mandatory or presumptive
21 disqualification from employment based on a person's conviction of one or more
22 specified criminal offenses, an employer may include a question or otherwise inquire
23 whether the applicant has ever been convicted of any of those offenses;

24 (2) If a standard fidelity bond or an equivalent bond is required for the position for which
25 the applicant is seeking employment and his or her conviction of one or more specified
26 criminal offenses would disqualify the applicant from obtaining such a bond, an employer

27 may include a question or otherwise inquire whether the applicant has ever been
28 convicted of any of those offenses;

29 (3) An employer may ask an applicant for information about his or her criminal
30 convictions at the first interview or thereafter, in accordance with all applicable state and
31 federal laws; and

32 (4) An employer may seek to obtain the criminal history records of an applicant pursuant
33 to Code Section 35-3-34 after the first interview of such applicant is conducted."

34 **SECTION 2.**

35 All laws and parts of laws in conflict with this Act are repealed.