

REFERENCE TITLE: **criminal history; required disclosure; limitations**

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1437

Introduced by
Senators Quezada: Dalessandro, Mendez, Peshlakai, Rios; Representative
Andrade

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 23-206; AMENDING TITLE 33, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1319.01; AMENDING TITLE 41, CHAPTER 4, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-755; RELATING TO CRIMINAL HISTORY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 23-206, to read:

4 23-206. Hiring practices; discrimination; criminal history;
5 exception

6 A. NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYER MAY NOT INQUIRE
7 ABOUT, CONSIDER OR REQUIRE DISCLOSURE OF THE CRIMINAL CONVICTION RECORD OF
8 AN APPLICANT FOR EMPLOYMENT DURING THE HIRING PROCESS UNLESS ALL OF THE
9 FOLLOWING CONDITIONS APPLY:

10 1. THE INQUIRY ABOUT, CONSIDERATION OF OR REQUIREMENT OF DISCLOSURE
11 OF THE APPLICANT'S CRIMINAL CONVICTION RECORD TAKES PLACE ONLY AFTER THE
12 APPLICANT HAS RECEIVED A CONDITIONAL OFFER OF EMPLOYMENT FROM THE
13 EMPLOYER.

14 2. THE INQUIRY ABOUT, CONSIDERATION OF OR REQUIREMENT OF DISCLOSURE
15 OF THE APPLICANT'S CRIMINAL CONVICTION RECORD IS FOR ONLY THE PERIOD OF
16 THE FIVE MOST RECENT CONSECUTIVE YEARS PRECEDING THE DATE THAT THE
17 CONDITIONAL OFFER OF EMPLOYMENT IS MADE TO THE APPLICANT.

18 3. THE CRIMINAL CONVICTION RECORD DIRECTLY RELATES TO THE
19 EMPLOYMENT POSITION.

20 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO EMPLOYMENT
21 POSITIONS THAT REQUIRE A VALID FINGERPRINT CLEARANCE CARD PURSUANT TO
22 TITLE 41, CHAPTER 12, ARTICLE 3.1.

23 Sec. 2. Title 33, chapter 10, article 1, Arizona Revised Statutes,
24 is amended by adding section 33-1319.01, to read:

25 33-1319.01. Leasing practices; discrimination; criminal
26 history

27 NOTWITHSTANDING ANY OTHER LAW, A LANDLORD MAY NOT INQUIRE ABOUT,
28 CONSIDER OR REQUIRE DISCLOSURE OF THE CRIMINAL CONVICTION RECORD OF AN
29 APPLICANT FOR TENANCY DURING THE LEASING PROCESS UNLESS ALL OF THE
30 FOLLOWING CONDITIONS APPLY:

31 1. THE INQUIRY ABOUT, CONSIDERATION OF OR REQUIREMENT OF DISCLOSURE
32 OF THE APPLICANT'S CRIMINAL CONVICTION RECORD TAKES PLACE ONLY AFTER THE
33 APPLICANT HAS RECEIVED A CONDITIONAL OFFER OF TENANCY FROM THE LANDLORD.

34 2. THE INQUIRY ABOUT, CONSIDERATION OF OR REQUIREMENT OF DISCLOSURE
35 OF THE APPLICANT'S CRIMINAL CONVICTION RECORD IS FOR ONLY THE PERIOD OF
36 THE FIVE MOST RECENT CONSECUTIVE YEARS PRECEDING THE DATE THAT THE
37 CONDITIONAL OFFER OF TENANCY IS MADE TO THE APPLICANT.

38 3. THE CRIMINAL CONVICTION RECORD DIRECTLY RELATES TO THE TENANCY.

39 Sec. 3. Title 41, chapter 4, article 4, Arizona Revised Statutes,
40 is amended by adding section 41-755, to read:

41 41-755. Hiring practices; discrimination; criminal history;
42 exception

43 A. NOTWITHSTANDING ANY OTHER LAW, A STATE AGENCY MAY NOT INQUIRE
44 ABOUT, CONSIDER OR REQUIRE DISCLOSURE OF THE CRIMINAL CONVICTION RECORD OF

1 AN APPLICANT FOR EMPLOYMENT DURING THE HIRING PROCESS UNLESS ALL OF THE
2 FOLLOWING CONDITIONS APPLY:

3 1. THE INQUIRY ABOUT, CONSIDERATION OF OR REQUIREMENT OF DISCLOSURE
4 OF THE APPLICANT'S CRIMINAL CONVICTION RECORD TAKES PLACE ONLY AFTER THE
5 APPLICANT HAS RECEIVED A CONDITIONAL OFFER OF EMPLOYMENT FROM THE STATE
6 AGENCY.

7 2. THE INQUIRY ABOUT, CONSIDERATION OF OR REQUIREMENT OF DISCLOSURE
8 OF THE APPLICANT'S CRIMINAL CONVICTION RECORD IS FOR ONLY THE PERIOD OF
9 THE FIVE MOST RECENT CONSECUTIVE YEARS PRECEDING THE DATE THAT THE
10 CONDITIONAL OFFER OF EMPLOYMENT IS MADE TO THE APPLICANT.

11 3. THE CRIMINAL CONVICTION RECORD DIRECTLY RELATES TO THE
12 EMPLOYMENT POSITION.

13 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO EMPLOYMENT
14 POSITIONS THAT REQUIRE A VALID FINGERPRINT CLEARANCE CARD PURSUANT TO
15 CHAPTER 12, ARTICLE 3.1 OF THIS TITLE.