

REFERENCE TITLE: criminal conviction record; disclosure; limitations

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1507

Introduced by
Senators Quezada: Terán; Representatives Andrade, Hernandez M

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 23-207; 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 23-207, to read:

4 23-207. Hiring practices; criminal conviction record;
5 disclosure prohibited; exceptions; applicability;
6 definition

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

11 1. THE INQUIRY ABOUT, CONSIDERATION OF OR REQUIREMENT OF DISCLOSURE
12 OF THE APPLICANT'S CRIMINAL CONVICTION RECORD TAKES PLACE DURING OR AFTER
13 AN INTERVIEW BY THE EMPLOYER OR, IF THERE IS NO INTERVIEW, AFTER THE
14 APPLICANT RECEIVES A CONDITIONAL OFFER OF EMPLOYMENT FROM THE EMPLOYER.

15 2. THE INQUIRY ABOUT, CONSIDERATION OF OR REQUIREMENT OF DISCLOSURE
16 OF THE APPLICANT'S CRIMINAL CONVICTION RECORD IS FOR ONLY THE PERIOD OF
17 SEVEN YEARS FROM THE DATE OF CONVICTION OR SEVEN YEARS FROM RELEASE FROM
18 INCARCERATION, WHICHEVER IS LATER.

19 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY OF THE
20 FOLLOWING:

21 1. EMPLOYMENT POSITIONS THAT REQUIRE A VALID FINGERPRINT CLEARANCE
22 CARD PURSUANT TO TITLE 41, CHAPTER 12, ARTICLE 3.1 OR TO ANY EMPLOYMENT
23 POSITION AT A PUBLIC AIRPORT.

24 2. A POSITION REQUIRING AN APPLICANT TO SUBMIT FINGERPRINTS TO
25 ACCESS STATE AND FEDERAL CRIMINAL RECORDS INFORMATION FOR NONCRIMINAL
26 JUSTICE PURPOSES.

27 3. EMPLOYMENT POSITIONS WITHIN A LAW ENFORCEMENT, PROBATION OR
28 PROSECUTING AGENCY, EMERGENCY MEDICAL SERVICES TRANSPORT EMPLOYMENT
29 POSITIONS OR EMPLOYMENT AS A CERTIFIED COURT SECURITY OFFICER OR
30 FIREFIGHTER.

31 4. ENFORCING TITLE 20, CHAPTER 2, ARTICLE 13 RELATING TO THE
32 VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT.

33 C. THIS SECTION DOES NOT APPLY TO AN EMPLOYER WITH FEWER THAN
34 FIFTEEN EMPLOYEES.

35 D. FOR THE PURPOSES OF THIS SECTION, "INTERVIEW" MEANS ANY VERBAL
36 INTERACTION BETWEEN AN APPLICANT AND AN EMPLOYER OR THE EMPLOYER'S
37 REPRESENTATIVE RELATING TO THE EMPLOYMENT POSITION OR THE DUTIES OF THE
38 POSITION.

39 Sec. 2. Title 41, chapter 4, article 4, Arizona Revised Statutes,
40 is amended by adding section 41-755, to read:

41 41-755. Hiring practices; criminal conviction record;
42 disclosure prohibited; exceptions; applicability;
43 definition

44 A. UNLESS REQUIRED BY FEDERAL LAW, A STATE AGENCY MAY NOT INQUIRE
45 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 DURING OR AFTER
5 AN INTERVIEW BY THE EMPLOYER OR, IF THERE IS NO INTERVIEW, AFTER THE
6 APPLICANT RECEIVES A CONDITIONAL OFFER OF EMPLOYMENT FROM THE STATE
7 AGENCY.

8 2. THE INQUIRY ABOUT, CONSIDERATION OF OR REQUIREMENT OF DISCLOSURE
9 OF THE APPLICANT'S CRIMINAL CONVICTION RECORD IS FOR ONLY THE PERIOD OF
10 SEVEN YEARS FROM THE DATE OF CONVICTION OR SEVEN YEARS FROM RELEASE FROM
11 INCARCERATION, WHICHEVER IS LATER.

12 B. SUBSECTION A OF THIS SECTION DOES NOT APPLY TO ANY OF THE
13 FOLLOWING:

14 1. EMPLOYMENT POSITIONS THAT REQUIRE A VALID FINGERPRINT CLEARANCE
15 CARD PURSUANT TO CHAPTER 12, ARTICLE 3.1 OF THIS TITLE.

16 2. A POSITION REQUIRING AN APPLICANT TO SUBMIT FINGERPRINTS TO
17 ACCESS STATE AND FEDERAL CRIMINAL RECORDS INFORMATION FOR NONCRIMINAL
18 JUSTICE PURPOSES.

19 3. EMPLOYMENT POSITIONS WITHIN A LAW ENFORCEMENT, PROBATION OR
20 PROSECUTING AGENCY, EMERGENCY MEDICAL SERVICES TRANSPORT EMPLOYMENT
21 POSITIONS OR EMPLOYMENT AS A CERTIFIED COURT SECURITY OFFICER OR
22 FIREFIGHTER.

23 C. FOR THE PURPOSES OF THIS SECTION, "INTERVIEW" MEANS ANY VERBAL
24 INTERACTION BETWEEN AN APPLICANT AND AN EMPLOYER OR THE EMPLOYER'S
25 REPRESENTATIVE RELATING TO THE EMPLOYMENT POSITION OR THE DUTIES OF THE
26 POSITION.