

[First Reprint]

SENATE, No. 3306

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JUNE 15, 2017

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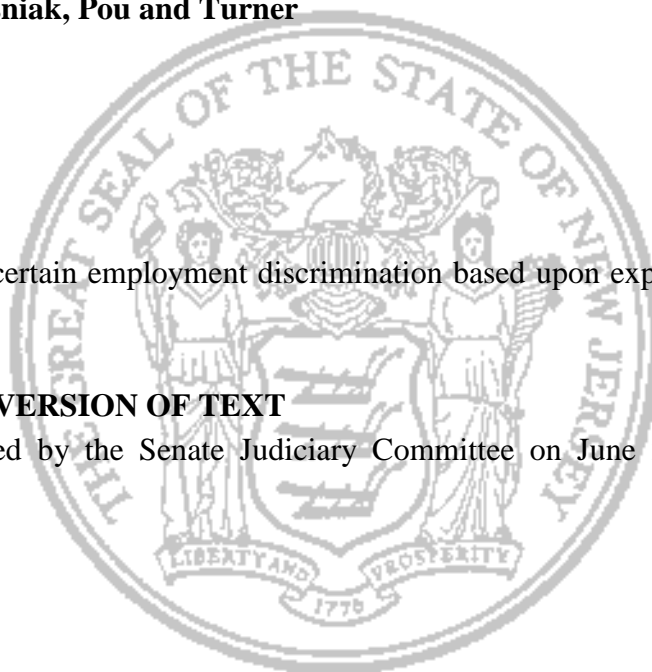
Senators Lesniak, Pou and Turner

SYNOPSIS

Prohibits certain employment discrimination based upon expunged criminal record.

CURRENT VERSION OF TEXT

As reported by the Senate Judiciary Committee on June 29, 2017, with amendments.



(Sponsorship Updated As Of: 12/8/2017)

1 AN ACT concerning certain employment rights of persons with
2 expunged criminal records and amending P.L.2014, c.32.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 4 of P.L.2014, c.32 (C.34:6B-14) is amended to read
8 as follows:

9 4. a. Except as otherwise provided in section 6 of **[this act]**
10 P.L.2014, c.32 (C.34:6B-16):

11 (1) An employer shall not require an applicant for employment
12 to complete any employment application that makes any inquiries
13 regarding an applicant's criminal record, including an expunged
14 criminal record, during the initial employment application process.

15 (2) An employer shall not make any oral **[or]** ¹**[,]** or¹ written
16 ¹**[, or online]**¹ inquiry regarding an applicant's criminal record,
17 including an expunged criminal record, ¹or use an online
18 application that requires the disclosure of an applicant's criminal
19 record, including an expunged criminal record,¹ during the initial
20 employment application process.

21 b. Notwithstanding the provisions of subsection a. of this
22 section, if an applicant discloses any information regarding the
23 applicant's criminal record, by voluntary oral or written disclosure,
24 during the initial employment application process, the employer
25 may make inquiries regarding the applicant's criminal record during
26 the initial employment application process.

27 c. Nothing set forth in this section shall be construed to
28 prohibit an employer from requiring an applicant for employment to
29 complete an employment application that makes any inquiries
30 regarding an applicant's criminal record after the initial employment
31 application process has concluded or from making any oral or
32 written inquiries regarding an applicant's criminal record after the
33 initial employment application process has concluded. The
34 provisions of this section shall not preclude an employer from
35 refusing to hire an applicant for employment based upon the
36 applicant's criminal record, unless the criminal record or relevant
37 portion thereof has been expunged or erased through executive
38 pardon, provided that such refusal is consistent with other
39 applicable laws, rules and regulations.

40 (cf: P.L.2014, c.32, s.4)

41

42 2. This act shall take effect immediately.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SJU committee amendments adopted June 29, 2017.