

HOUSE BILL NO. 1282

Introduced by

Representatives Schneider, Adams, Buffalo, Dobervich, Guggisberg, Hanson, McWilliams,
Mitskog, Roers Jones, Satrom

Senators Bakke, Dwyer

1 A BILL for an Act to create and enact a new section to chapter 12.1-33 of the North Dakota
2 Century Code, relating to limitations on public employer consideration of criminal background.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 12.1-33 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Public employment - Consideration of criminal record.**

- 7 1. A public employer may not inquire into or consider the criminal record or criminal
8 history of an applicant for public employment until the applicant has been selected for
9 an interview by the employer.
- 10 2. This section does not apply to the department of corrections and rehabilitation or to a
11 public employer that has a statutory duty to conduct a criminal history background
12 check or otherwise take into consideration a potential employee's criminal history
13 during the hiring process.
- 14 3. This section does not prohibit a public employer from notifying an applicant that law or
15 the employer's policy will disqualify an individual with a particular criminal history
16 background from employment in particular positions.
- 17 4. ~~The labor commissioner may investigate a claim of any violation of this section~~As used
18 in this section, the term "public employer" means the state or a county or city
19 government, or an instrumentality or agency of the state or of a county or city
20 government. The term includes a park district but does not include a school district.