

INTERIM STUDY PROPOSAL 2019-145

REQUESTING THE ARKANSAS LEGISLATIVE COUNCIL REFER TO THE HOUSE COMMITTEE ON JUDICIARY A STUDY TO EXAMINE THE EFFECT A PRIOR CRIMINAL CONVICTION HAS ON A PERSON'S ABILITY TO GAIN EMPLOYMENT AND TO EXAMINE POSSIBLE SOLUTIONS TO COUNTER ANY NEGATIVE IMPACT A PRIOR CRIMINAL CONVICTION MAY HAVE ON A PERSON'S ABILITY TO GAIN EMPLOYMENT.

WHEREAS, a potential employer will often ask a prospective employee about his or her prior criminal history and whether the prospective employee has been convicted of a misdemeanor or a felony; and

WHEREAS, many people have past criminal convictions, often resulting from crimes committed when they were young or less capable of making mature judgments; and

WHEREAS, for many employers, a prospective employee's prior misdemeanor or felony conviction automatically disqualifies the person from employment, even if the prior conviction was received when the person was young or less capable of making mature judgments; and

WHEREAS, an employer may miss the opportunity to hire a qualified employee if he or she believes that a prior criminal conviction automatically makes the prospective employee unemployable and the prospective employee may miss the opportunity to secure employment due to criminal acts the person committed when he or she was young or less capable of making mature judgments; and

WHEREAS, the automatic rejection of a prospective employee because the prospective employee truthfully answers a question about any prior criminal conviction he or she may have on an employment application or during an interview does not benefit the employer or the prospective employee; and

WHEREAS, some states have implemented "ban-the-box" policies, which prohibit an employer from inquiring if a prospective employee has any prior

1 criminal convictions during the hiring process until the prospective employee  
2 has been deemed otherwise qualified for the position; and

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4 WHEREAS, if a prospective employee is deemed qualified for the position  
5 an employer can determine whether a prospective employee with a prior  
6 criminal conviction is disqualified based on that prior conviction as opposed  
7 to automatically dismissing the prospective employee from consideration at  
8 the start of the hiring process; and

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10 WHEREAS, the House Committee on Judiciary should study "ban-the-box" or  
11 similar policies implemented by other states to improve employment outcomes  
12 for persons with prior criminal convictions,

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14 NOW THEREFORE,

15 BE IT PROPOSED BY THE ARKANSAS LEGISLATIVE COUNCIL OF THE NINETY-SECOND  
16 GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 THAT the House Committee on Judiciary should conduct a study on "ban-  
19 the-box" and other similar policies that are designed to improve employment  
20 outcomes for persons with prior criminal convictions.

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23 Respectfully submitted,

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27 Representative Jay Richardson

28 District 78

29 Prepared by: BPG/BPG  
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