

INTERIM STUDY PROPOSAL 2019-145

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3 REQUESTING THE ARKANSAS LEGISLATIVE COUNCIL REFER TO THE HOUSE
4 COMMITTEE ON JUDICIARY A STUDY TO EXAMINE THE EFFECT A PRIOR
5 CRIMINAL CONVICTION HAS ON A PERSON'S ABILITY TO GAIN EMPLOYMENT
6 AND TO EXAMINE POSSIBLE SOLUTIONS TO COUNTER ANY NEGATIVE IMPACT
7 A PRIOR CRIMINAL CONVICTION MAY HAVE ON A PERSON'S ABILITY TO
8 GAIN EMPLOYMENT.
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10 WHEREAS, a potential employer will often ask a prospective employee
11 about his or her prior criminal history and whether the prospective employee
12 has been convicted of a misdemeanor or a felony; and
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14 WHEREAS, many people have past criminal convictions, often resulting
15 from crimes committed when they were young or less capable of making mature
16 judgments; and
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18 WHEREAS, for many employers, a prospective employee's prior misdemeanor
19 or felony conviction automatically disqualifies the person from employment,
20 even if the prior conviction was received when the person was young or less
21 capable of making mature judgments; and
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23 WHEREAS, an employer may miss the opportunity to hire a qualified
24 employee if he or she believes that a prior criminal conviction automatically
25 makes the prospective employee unemployable and the prospective employee may
26 miss the opportunity to secure employment due to criminal acts the person
27 committed when he or she was young or less capable of making mature
28 judgments; and
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30 WHEREAS, the automatic rejection of a prospective employee because the
31 prospective employee truthfully answers a question about any prior criminal
32 conviction he or she may have on an employment application or during an
33 interview does not benefit the employer or the prospective employee; and
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35 WHEREAS, some states have implemented "ban-the-box" policies, which
36 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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