

EX-OFFENDER LEGISLATION STATE COMPARATIVE ANALYSIS

A number of states have legislation in place to protect employers who participate in second chance hiring. See some of the key elements of that legislation in each of those states below:

2010 COLORADO

- Criminal history cannot be used as part of a lawsuit against an employer or employee's business

Note: Criminal history can be used if the action has a direct relationship to the past crime

2010 ILLINOIS

- Courts can issue certificates of relief to eligible ex-offenders which informs employers of rehabilitation and protects employers from negligent hiring and supervision

Note: Employers are liable for willful or wanton acts by the employee in hiring these employees

2012 OHIO

- Ex-offenders are able to receive a "certificate for qualification for employment" which protects employers from negligent hiring and supervision for that employee

Note: Employers are still liable if an employee demonstrates "dangerousness" and employer willfully retains the employee

2013 TEXAS

- Shields employers from negligent hiring and supervision of employees with criminal convictions

Note: Does not protect an employer who knew or should have known of past convictions if employee was convicted of an offense committed while performing duties similar to the current employment or an employee who committed various violent offenses (rape, murder, kidnapping, etc.)

Does not protect employers if employee was involved with mishandling of money and the employee was previously convicted of fraud and it was foreseen the job would involve the employee dealing with money

2014 GEORGIA

- Employer will be presumed to have exercised due care in hiring an ex-offender if Department of Corrections issues a "Program and Treatment Completion Certificate" or if ex-offender is pardoned

Note: Law excludes those who were convicted of violent crimes

2014 LOUISIANA

- Employer may not be held liable simply because they hired an ex-offender

Note: Does not include protection if employee committed violent or sex related crimes

2014 TENNESSEE

- Ex-offenders can receive a certificate of employability which protects employers from negligent hiring and supervision for that employee

Note: Employers are still liable if employee demonstrates danger or is convicted of a felony and employer willfully retains the employee

2015 MINNESOTA

- Employers are not liable for negligent hiring or supervision in a civil lawsuit if the conviction had been expunged

