

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE DRH70078-LH-60A (02/06)

Short Title: Ban the Box.

(Public)

Sponsors: Representatives Brandon and Pierce (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE LABOR LAWS TO PROHIBIT AN EMPLOYER FROM
3 INQUIRING WHETHER AN APPLICANT FOR EMPLOYMENT HAS BEEN
4 CONVICTED OF A CRIMINAL OFFENSE AND TO PROVIDE THAT A CIVIL
5 PENALTY MAY BE ASSESSED AGAINST ANY EMPLOYER WHO COMMITS
6 THAT UNLAWFUL ACT.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. This act may be cited as the "Ban the Box Act."

9 SECTION 2. Chapter 95 of the General Statutes is amended by adding a new
10 Article to read:

11 "Article 21A.

12 "Unlawful Employment Practices.

13 **"§ 95-246. Employer prohibited from inquiring whether an applicant for employment has
14 been convicted of a criminal offense; exceptions.**

15 (a) Except as provided in subsection (b) of this section, it is an unlawful employment
16 practice for any employer to make inquiries of an applicant for employment, or otherwise seek
17 information about the applicant (including through the use of any form or application), relating
18 to whether the applicant has ever been convicted of a criminal offense.

19 (b) Notwithstanding the provisions of subsection (a) of this section, an employer may
20 make inquiries of an applicant, or otherwise seek information about the applicant, relating to
21 whether the applicant has ever been convicted of a criminal offense as follows:

22 (1) After the employer extends a conditional offer for employment to an
23 applicant; or

24 (2) Where the granting of employment may involve an unreasonable risk to the
25 safety of specific individuals or to the general public.

26 (c) The Commissioner of Labor shall adopt rules to (i) define categories of employment
27 where an individual's past criminal history may involve an unreasonable risk to the safety of
28 specific individuals or to the general public and (ii) establish factors to be considered by
29 employers in assessing whether an individual's past criminal history poses such an
30 unreasonable risk.

31 (d) In addition to the enforcement authority provided by Article 1 of this Chapter, the
32 Commissioner may assess a civil penalty against an employer who violates this section of not
33 more than one hundred dollars (\$100.00) for each violation."

34 SECTION 3. This act becomes effective October 1, 2013, and applies to
35 applications for employment made on or after that date.

