

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 312

AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 22-2-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:

Chapter 17. Use of Criminal History Information in Employment Decisions

Sec. 1. As used in this chapter, "criminal history information" has the meaning set forth in IC 5-2-4-1(1).

Sec. 2. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 3. Unless federal or state law provides otherwise, a political subdivision may not prohibit an employer from:

(1) obtaining or using criminal history information during the hiring process to the extent allowed by federal or state law, rules, or regulations; or

(2) at the time an individual makes an initial application for employment:

(A) making an inquiry regarding the individual's criminal history information; or

(B) requiring the individual to disclose the individual's criminal history information.

Sec. 4. (a) Criminal history information for an employee or a former employee may not be introduced as evidence against an

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employer, an employer's agents, or an employer's employees in a civil action that is based on the conduct of the employee or the former employee if:

- (1) the nature of the criminal history information of the employee or former employee does not bear a direct relationship to the facts underlying the civil action;
- (2) before the acts giving rise to the civil action occurred:
 - (A) a court order sealed the record of the criminal case;
 - (B) the criminal conviction has been reversed or vacated;
 - (C) the employee or former employee received a pardon for the criminal conviction; or
 - (D) the criminal conviction has been expunged under IC 35-38-9; or
- (3) the criminal history information concerns an arrest or a charge that did not result in a criminal conviction.

(b) This section does not supersede any federal or state law requirement to:

- (1) conduct a criminal history information background investigation; or
- (2) consider criminal history information in hiring for particular types of employment.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

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