

2029

2015-2016 Regular Sessions

I N   S E N A T E

January 21, 2015

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Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Investigations  
and Government Operations

AN ACT to amend the executive law, in relation to requiring employers to  
make a conditional offer of employment before inquiring about any  
criminal convictions of a prospective employee

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 296 of the executive law is amended by adding a new  
2     subdivision 15-a to read as follows:  
3     15-A. IT SHALL BE AN UNLAWFUL DISCRIMINATORY PRACTICE, UNLESS SPECIF-  
4     ICALLY REQUIRED OR PERMITTED BY STATUTE, FOR ANY PROSPECTIVE EMPLOYER,  
5     INCLUDING ANY PERSON, AGENCY, BUREAU, CORPORATION OR ASSOCIATION,  
6     INCLUDING THE STATE AND ANY POLITICAL SUBDIVISION THEREOF, TO MAKE AN  
7     INQUIRY ABOUT, WHETHER IN ANY FORM OF APPLICATION OR OTHERWISE, OR TO  
8     ACT UPON ADVERSELY TO THE INDIVIDUAL INVOLVED BASED UPON, ANY CRIMINAL  
9     CONVICTION OF SUCH INDIVIDUAL UNLESS SUCH EMPLOYER FIRST MAKES A CONDI-  
10    TIONAL OFFER OF EMPLOYMENT TO SUCH INDIVIDUAL. SUCH CONDITIONAL OFFER OF  
11    EMPLOYMENT MAY ONLY SUBSEQUENTLY BE WITHDRAWN ON THE BASIS OF A CRIMINAL  
12    CONVICTION IN ACCORDANCE WITH ARTICLE TWENTY-THREE-A OF THE CORRECTION  
13    LAW WHERE SUCH CONVICTION BEARS A DIRECT RELATIONSHIP, AS SUCH TERM IS  
14    DEFINED IN SUBDIVISION THREE OF SECTION SEVEN HUNDRED FIFTY OF THE  
15    CORRECTION LAW, TO THE SPECIFIC POSITION BEING OFFERED, OR THE GRANTING  
16    OF SUCH EMPLOYMENT WOULD INVOLVE AN UNREASONABLE RISK TO PROPERTY OR TO  
17    THE SAFETY OR WELFARE OF SPECIFIC INDIVIDUALS OR THE GENERAL PUBLIC.  
18    S 2. This act shall take effect on the ninetieth day after it shall  
19    have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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