STATE OF NEW YORK

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2343

2017-2018 Regular Sessions

IN ASSEMBLY

January 18, 2017
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Introduced by M. of A. AUBRY, KAVANAGH, PRETLOW, COLTON, O'DONNELL, PERRY, JAFFEE, GOTTFRIED, COOK, ARROYO, WALKER, PICHARDO, RICHARDSON, BRONSON, HYNDMAN, SEPULVEDA, BLAKE -- Multi-Sponsored by -- M. of A. HOOPER, SIMON -- read once and referred to the Committee on Correction

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 Assembly, 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11 *employment may only subsequently be withdrawn on the basis of a criminal*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   § 2. This act shall take effect on the ninetieth day after it shall
19 have become a law.