

# 2009 SESSION

INTRODUCED

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## HOUSE BILL NO. 1812

Offered January 14, 2009

Prefiled January 12, 2009

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-2812.1, relating to a prohibition on questioning prospective employees regarding certain prior criminal convictions; penalty.*

Patron—Morrissey

Referred to Committee for Courts of Justice

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That the Code of Virginia is amended by adding a section numbered 2.2-2812.1 as follows:**

*§ 2.2-2812.1. Unlawful for employer to ask about certain criminal convictions; penalty.*

*A. Notwithstanding any provision of law to the contrary, it shall be unlawful for any state agency employer, as a condition of employment or during the course of employment, to ask a prospective employee or an employee any question concerning the individual's record of any arrest or conviction of a violation of any criminal law of the Commonwealth or of any other state or the United States, unless the question refers to an arrest or conviction that:*

*1. Occurred within eight years preceding the employer's questioning; or*

*2. Was for an offense punishable as a violent felony as defined in § 17.1-805 or 19.2-297.1.*

*B. No employee of a state agency shall be discharged, demoted, or otherwise discriminated against, and no prospective employee of a state agency shall be denied employment, by the employer solely on the basis of the individual's response or failure to respond to a question that the employer is prohibited from asking pursuant to subsection A.*

*C. A violation of this section is punishable by a civil penalty not to exceed \$500.*

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