

090662653

**HOUSE BILL NO. 1815**

Offered January 14, 2009

Prefiled January 12, 2009

A *BILL to amend the Code of Virginia by adding a section numbered 40.1-27.2, 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 40.1-27.2 as follows:**

*§ 40.1-27.2. Unlawful for employer to ask about certain criminal convictions; penalty.*

*A. Notwithstanding any provision of law to the contrary, it shall be unlawful for an employer, as a condition of employment or during the course of employment, to ask an employee or prospective 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 shall be discharged, demoted, or otherwise discriminated against, and no prospective employee 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 person who violates this section is guilty of a Class 1 misdemeanor.*

INTRODUCED

HB1815