

## Department of Planning and Budget 2020 Fiscal Impact Statement

**1. Bill Number:** HB757

<b>House of Origin</b>	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Enrolled

**2. Patron:** Aird

**3. Committee:** Passed Both Houses

**4. Title:** Public employment; limitations on inquiries by state agencies and localities regarding arrests, charges, or convictions.

**5. Summary:** Prohibits state agencies and localities from including on any employment application a question inquiring whether the prospective employee has ever been arrested for, charged with, or convicted of any crime. A prospective employee may not be asked if he has ever been arrested or charged with or convicted of any crime unless the inquiry takes place during or after a staff interview of the prospective employee. The prohibition does not apply to applications for employment with law-enforcement agencies or positions related to law-enforcement agencies. The prohibition also does not apply to applications for state agency positions designated as sensitive pursuant to § 2.2-1201.1, Code of Virginia, or to state agencies that are expressly permitted to inquire into an individual's criminal arrests or charges for employment purposes pursuant to any provision of federal or state law. For localities, the prohibition does not apply to applications for positions for employment by the local school board or positions described as "sensitive positions" pursuant to the bill's provisions.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** No state fiscal impact.

**8. Fiscal Implications:** This bill is not expected to have a state fiscal impact.

According to the Department of Human Resource Management, the provisions of the proposed legislation are consistent with current state policies and practices. Criminal conviction questions were removed from the state employment application in 2015 as a result of Executive Order 41 and questions about arrests, charges, or convictions are prohibited unless otherwise required by law due to the nature of the work.

**9. Specific Agency or Political Subdivisions Affected:** The Department of Human Resource Management and all other state agencies and localities.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

Date: 2/27/2020