

1 SENATE BILL NO. 325

2 INTRODUCED BY B. HOVEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING CERTAIN LEGAL PROTECTIONS FOR PRIVATE
5 EMPLOYERS REGARDING EMPLOYMENT OF INDIVIDUALS WITH CRIMINAL BACKGROUNDS; AND
6 PROVIDING AN EFFECTIVE DATE ~~AND AN APPLICABILITY DATE.~~"

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 NEW SECTION. **Section 1. Legal protections in relation to employing individuals with criminal**
11 **records.** A private employer may not be held liable regarding claims of negligent hiring or negligent employment
12 for acts committed by an employee with a criminal record if the acts are committed outside the scope of the
13 employment and:

14 (1) the employer reviewed an arrest record prior to hiring that did not show a disposition of the case or
15 that indicated an acquittal or a dismissal;

16 (2) the conviction was for:

17 (a) a misdemeanor offense; or

18 (b) an offense that was not related to the employment; or

19 (3) the employee with a criminal record is under the supervision of the probation and parole division of
20 the department of corrections and the employment has been approved by the supervising officer.

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22 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
23 integral part of Title 39, chapter 2, and the provisions of Title 39, chapter 2, apply to [section 1].

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25 NEW SECTION. **Section 3. Effective date ~~—applicability.~~** [This act] is effective July 1, 2017, ~~and~~
26 ~~applies to individuals with criminal records acquired on or after July 1, 2017.~~

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