

SENATE BILL NO. 325

INTRODUCED BY B. HOVEN

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

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

NEW SECTION. Section 1. Legal protections in relation to employing individuals with criminal records. A private employer WHO ACTS REASONABLY AND COMPLIES IN GOOD FAITH WITH THIS SECTION may not be held liable regarding claims of negligent hiring or negligent employment for acts committed by an employee with a criminal record if the acts are committed outside the scope of the employment and:

- (1) the employer reviewed an arrest record prior to hiring that did not show a disposition of the case or that indicated an acquittal or a dismissal;
- (2) the conviction was for:
 - (a) a misdemeanor offense; or
 - (b) an offense that was not related to the employment; or
- (3) the employee with a criminal record is under the supervision of the probation and parole division of the department of corrections and the employment has been approved by the supervising officer.

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

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

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