

SENATE BILL NO. 294

INTRODUCED BY B. HOVEN

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING LAWS RELATED TO EMPLOYMENT OF THOSE WITH CRIMINAL RECORDS; AMENDING SECTION 39-2-710, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 39-2-710, MCA, is amended to read:

"39-2-710. Legal protections in relation to employing individuals with criminal records. A private employer who ~~acts reasonably and~~ substantially 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. Effective date.** [This act] is effective on passage and approval.

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