



The Ramifications of Megan's Law for Employers

Publication

9.01.05

Signed into law by President Clinton in 1996, Megan's Law requires states to register individuals convicted of sex crimes and disclose certain information about such offenders to the public.

Based on the premise that convicted sex offenders pose a substantial risk of becoming repeat offenders after they re-enter society, the primary purpose of Megan's Law is to protect children and the community at large from these individuals. Megan's Law, however, has far reaching ramifications which can affect employers. While there may be a societal benefit in employing ex-convicts and assisting their re-integration into society, employers have reason to be concerned with how Megan's Law could expose them to liability should they hire a registered sex offender.

For instance, what effect does Megan's Law have on a claim of negligence where an employer hires or retains an employee who is a registered sex offender? Does an employer who hires a registered sex offender have a duty to warn its other employees that there is a sex offender in their midst? Surprisingly, no court has yet specifically applied Megan's Law in the employment context. Many courts, however, have dealt tangentially with Megan's Law when discussing theories of negligence where an employer hires a worker who has a prior history of sexual assault.

This article explores the impact of Megan's Law on lawsuits against employers for negligent hiring and/or negligent retention.

This article appeared in the Autumn 2005 issue of the *Employee Relations Law Journal*.