



Legislation a Model for Criminal History Information in Hiring

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The recently completed Colorado legislative session resulted in the modification of only two employment laws. One bill that did not pass nevertheless provides a model for how employers should use criminal history information in hiring. Had it passed, that bill would have codified what is essentially the Equal Employment Opportunity Commission's position on the use of such information. For that reason, the failed bill is worth noting.

WHAT THE BILL WOULD HAVE DONE

House Bill 1305 prohibited:

- Advertising that a person with a criminal history may not apply for a position;
- Placing a statement in an employment application that a person with a criminal history may not apply for a position; or
- Making an inquiry about an applicant's criminal history on an initial application. Dubbed the "Colorado Chance to Compete Act," the bill sought to provide people with criminal records a more meaningful chance to compete for jobs while allowing employers to have access to criminal history information and to make whatever hiring decision the employer deems appropriate.

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