

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 509

Short Title: "Ban the Box"/Public Employment. (Public)

Sponsors: Senators D. Berger, McKissick; Garrou, Jones, and Kinnaird.

Referred to: Rules and Operations of the Senate.

April 5, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT A PUBLIC EMPLOYER FROM INQUIRING INTO OR
3 CONSIDERING THE CRIMINAL RECORD OF A JOB APPLICANT UNTIL THE
4 APPLICANT HAS BEEN SELECTED FOR AN INTERVIEW BY THE EMPLOYER.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 5 of Chapter 15A of the General Statutes is amended by
7 adding a new section to read:

8 "**§ 15A-153. Public employment; consideration of criminal history record.**

9 (a) Notwithstanding any other provision of law, a public employer shall not inquire into
10 or consider the criminal record or criminal history of an applicant for public employment until
11 the applicant has been selected for an interview by the employer.

12 (b) This section does not apply to the Department of Correction or to public employers
13 who have a statutory duty to conduct a criminal history record check or otherwise take into
14 consideration a potential employee's criminal history during the hiring process.

15 (c) This section does not prohibit a public employer from notifying applicants that law
16 or the employer's policy will disqualify an individual with a particular criminal history record
17 from employment in particular positions."

18 **SECTION 2.** This act becomes effective July 1, 2011, and applies to applications
19 for employment submitted on or after that date.

