

House File 2265 - Introduced

HOUSE FILE 2265

BY HINSON

A BILL FOR

1 An Act relating to the admissibility of evidence of an
2 employee's criminal history in civil actions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 671A.1 Limitation on admissibility
2 of evidence of an employee's criminal history.

3 1. Information regarding the criminal history of an
4 employee or former employee shall not be introduced as evidence
5 in a civil action against an employer or its employees or
6 agents that is based on the conduct of the employee or former
7 employee in any of the following circumstances:

8 a. The nature of the criminal history does not bear a direct
9 relationship to the facts underlying the cause of action.

10 b. Before the occurrence of the act giving rise to the civil
11 action, a court ordered the record of any criminal case sealed
12 or the president of the United States or the chief executive of
13 a state pardoned the employee or former employee.

14 c. The record is of an arrest or charge that did not result
15 in a criminal conviction.

16 d. A court granted the employee or former employee a
17 deferred judgment at sentencing and a court did not revoke the
18 deferred judgment.

19 2. This section does not alter any statutory provision
20 allowing an employer to conduct a criminal history background
21 investigation or consider criminal history records in the
22 employment process for particular types of employment.

23 3. This section does not create a duty for employers not
24 otherwise so required by law to conduct criminal history
25 background checks.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill relates to the admissibility of evidence about
30 an employee's criminal history in a civil action that is
31 based on the conduct of an employee or former employee. The
32 bill prohibits the introduction of information regarding the
33 criminal history of an employee or former employee as evidence
34 in a civil action against an employer or its employees or
35 agents that is based on the conduct of the employee or former

1 employee in any of the following circumstances: the nature of
2 the criminal history does not bear a direct relationship to the
3 facts underlying the cause of action; before the occurrence
4 of the act giving rise to the civil action, a court ordered
5 the record of any criminal case sealed or the president of the
6 United States or the chief executive of a state pardoned the
7 employee or former employee; the record is of an arrest or
8 charge that did not result in a criminal conviction; or a court
9 granted the employee or former employee a deferred judgment at
10 sentencing and a court did not revoke the deferred judgment.

11 The bill does not alter any statutory provision allowing an
12 employer to conduct a criminal history background investigation
13 or consider criminal history records in the employment process
14 for particular types of employment. The bill also does not
15 create a duty for employers not otherwise so required by law to
16 conduct criminal history background checks.