

Senate File 155 - Introduced

SENATE FILE 155
BY BISIGNANO

A BILL FOR

1 An Act prohibiting employers and employment agencies from seeking
2 the criminal record or criminal history from applicants
3 for employment under certain circumstances, establishing a
4 criminal history employment application task force, providing
5 penalties, and including effective date provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

PROHIBITED HIRING PRACTICES — CRIMINAL RECORD OR CRIMINAL HISTORY

Section 1. Section 10A.202, subsection 2, Code 2025, is amended to read as follows:

2. The department is responsible for the administration of the laws of this state under chapters 88A, 88B, 89, 89A, 90A, 91A, 91C, 91D, 91E, 91F, and 92, and such other labor-services duties assigned to the department or director.

Sec. 2. Section 10A.204, subsection 3, Code 2025, is amended to read as follows:

3. The director, in consultation with the labor commissioner, shall, at the time provided by law, make an annual report to the governor setting forth in appropriate form the business and expense of the division and department under this subchapter for the preceding year, the number of remedial actions taken under chapter 89A, the number of disputes or violations processed by the division or department and the disposition of the disputes or violations, and other matters pertaining to the division or department under this subchapter ~~which~~ that are of public interest, together with recommendations for change or amendment of the laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B, 90A, 91A, 91C, 91D, 91E, 91F, and 92, and sections 85.67A and 85.68, and the recommendations, if any, shall be transmitted by the governor to the first general assembly in session after the report is filed.

Sec. 3. NEW SECTION. **91F.1 Declarations and purpose.**

1. The general assembly declares that:

a. Removing obstacles to employment for individuals with criminal records provides economic and social opportunities to a large group of individuals in Iowa and increases the productivity, health, and safety of Iowa communities.

b. Employment advertisements in Iowa frequently include language regarding criminal records that is unrelated to the employment vacancy and that either explicitly precludes or

1 strongly dissuades individuals from applying for employment for
2 which they are otherwise qualified.

3 c. Individuals with criminal records represent a group of
4 job seekers ready and able to enlarge and contribute to the
5 workforce.

6 d. Securing employment significantly reduces the risk of
7 recidivism for individuals with criminal records.

8 e. The opportunity for individuals with criminal records
9 to secure employment or to pursue, practice, or engage
10 in a meaningful and profitable trade, occupation, vocation,
11 profession, or business is essential to rehabilitation and their
12 resumption of the responsibilities of citizenship.

13 2. It is the purpose of this chapter to improve the economic
14 viability, health, and security of Iowa communities and to
15 assist individuals with criminal records to reintegrate into
16 the community, become productive members of the workforce, and
17 provide for their families and themselves.

18 Sec. 4. NEW SECTION. **91F.2 Definitions.**

19 1. "Applicant" means a person pursuing employment with an
20 employer or with or through an employment agency.

21 2. "Criminal record or criminal history" means information
22 collected or possessed by any criminal justice agency or judicial
23 system in this state or in another jurisdiction, including a
24 federal, military, tribal, or foreign jurisdiction, concerning
25 individuals which information includes identifiable descriptions
26 and notations of arrests, detentions, indictments, or other
27 formal criminal charges, and any disposition arising therefrom,
28 including acquittal, deferred judgment, sentencing, correctional
29 supervision, release, or conviction, and any sentence arising
30 from a verdict or plea of guilty or nolo contendere, including
31 a sentence of incarceration, a suspended sentence, a sentence of
32 probation, or a sentence of conditional discharge.

33 3. "Director" means the director of the department of
34 inspections, appeals, and licensing.

35 4. "Employer" means a person who has four or more employees

1 in the current or preceding calendar year and includes an agent
2 of such a person. For purposes of this chapter, individuals
3 who are members of the employer's family shall not be counted as
4 employees.

5 5. "Employment agency" means a person who, with or without
6 compensation, regularly brings together those desiring to employ
7 and those desiring employment and includes an agent of such a
8 person.

9 Sec. 5. NEW SECTION. **91F.3 Prohibited hiring practices —**
10 **exceptions.**

11 1. An employer or employment agency shall not inquire about
12 or require disclosure of the criminal record or criminal
13 history of an applicant until the applicant's interview is being
14 conducted or, if an interview will not be conducted, until after
15 a conditional offer of employment is made to the applicant by the
16 employer or employment agency.

17 2. Subsection 1 does not apply to the following positions
18 if an employer or employment agency establishes a separate
19 application form for such positions that includes the title and
20 job description of the position, the specific state or federal
21 law or bonding requirement that applies to the position, and the
22 types of criminal offenses that would preclude an applicant from
23 being hired for the position:

24 a. Positions for which employers are required to exclude
25 applicants with certain criminal convictions from employment due
26 to federal or state law.

27 b. Positions for which a fidelity bond or an equivalent
28 bond is required and an applicant's conviction of one or more
29 specified criminal offenses would disqualify the applicant from
30 obtaining such bond, in which case an employer may include a
31 question or otherwise inquire whether the applicant has ever been
32 convicted of such specified criminal offenses.

33 3. Subsection 1 does not prohibit an employer or employment
34 agency from notifying applicants in writing of specific offenses
35 that will disqualify an applicant from employment in a particular

1 position as permitted by subsection 2.

2 4. Subsection 1 does not apply to the following positions:

3 a. Positions for which an employee will work within the
4 residence of the employer if the employer or members of the
5 employer's family reside therein during such employment.

6 b. Positions for which an employee will have entry access to
7 a personal residence or an occupied unit in a multiple housing
8 structure.

9 c. Positions for which an employee will render personal
10 service to the person of the employer or members of the
11 employer's family.

12 5. An employment agency shall not be liable for a violation
13 of subsection 1 if the employment agency can demonstrate by
14 clear and convincing evidence that such violation was caused by
15 the employment agency's good-faith reliance on an affirmative
16 representation by an employer that one of the exceptions listed
17 in subsection 2 or 4 applied to the position in question. The
18 employer shall be liable for any such violations.

19 **Sec. 6. NEW SECTION. 91F.4 Powers and duties of the**
20 **director.**

21 1. The director may hold hearings and investigate alleged
22 violations of this chapter by an employer or employment agency.

23 2. The director may assess and recover civil penalties in
24 accordance with sections 91F.5 and 91F.6.

25 3. The director shall adopt rules pursuant to chapter 17A to
26 administer this chapter.

27 **Sec. 7. NEW SECTION. 91F.5 Civil penalties — amount.**

28 An employer or employment agency who violates the provisions
29 of this chapter shall be subject to a penalty as follows:

30 1. For a first violation, the director shall issue a written
31 warning to the employer or employment agency that includes notice
32 regarding penalties for subsequent violations and the employer or
33 employment agency shall have thirty days to remedy the violation.

34 2. For a second violation, or if a previous violation is
35 not remedied within thirty days of notice by the director,

1 the director may impose a civil penalty of up to five hundred
2 dollars.

3 3. For a third violation, or if a previous violation is
4 not remedied within sixty days of notice by the director, the
5 director may impose a civil penalty of up to one thousand five
6 hundred dollars.

7 4. For subsequent violations, or if a previous violation
8 is not remedied within ninety days of notice by the director,
9 the director may impose a civil penalty of up to one thousand
10 five hundred dollars for every thirty days that pass thereafter
11 without compliance.

12 Sec. 8. NEW SECTION. 91F.6 Civil penalties — recovery.

13 1. The director may propose that an employer be assessed
14 a civil penalty as provided in section 91F.4 by serving the
15 employer with notice of such proposal in the same manner as an
16 original notice is served under the rules of civil procedure.
17 Upon service of such notice, the proposed assessment shall
18 be treated as a contested case under chapter 17A. However, an
19 employer or employment agency must request a hearing within
20 thirty days of being served.

21 2. If an employer or employment agency does not request a
22 hearing pursuant to subsection 1 or if the director determines,
23 after an appropriate hearing, that an employer or employment
24 agency is in violation of this chapter, the director shall assess
25 a civil penalty in accordance with section 91F.5.

26 3. An employer or employment agency may seek judicial review
27 of any assessment made under subsection 2 by instituting
28 proceedings for judicial review pursuant to chapter 17A. However,
29 such proceedings must be instituted in the district court of the
30 county in which the violation or one of the violations occurred
31 and within thirty days of the day on which the employer was
32 notified that an assessment has been made.

33 4. After the time for seeking judicial review has expired or
34 after all judicial review has been exhausted and the director's
35 assessment has been upheld, the director shall request the

1 attorney general to recover the assessed penalties in a civil
2 action.

3 5. Civil penalties recovered pursuant to this section shall
4 be remitted by the director to the treasurer of state for deposit
5 in the general fund of the state.

6 Sec. 9. NEW SECTION. **91F.7 Construction.**

7 This chapter shall not be construed to require an employer to
8 employ an individual with a criminal record.

9 Sec. 10. EFFECTIVE DATE. This division of this Act takes
10 effect January 1, 2026.

11 DIVISION II

12 CRIMINAL HISTORY EMPLOYMENT APPLICATION TASK FORCE

13 Sec. 11. CRIMINAL HISTORY EMPLOYMENT APPLICATION TASK FORCE
14 AND REPORT.

15 1. A criminal history employment application task force is
16 created. The task force shall consist of the following members:

17 a. The director of the department of inspections, appeals,
18 and licensing or the director's designee, who shall represent
19 public sector employers.

20 b. Two representatives of established civil rights and civil
21 liberties organizations appointed by the director.

22 c. Two representatives of private sector employers appointed
23 by the director.

24 d. One representative of a private sector labor organization
25 appointed by the director.

26 e. One representative of a statewide public sector labor
27 organization appointed by the director.

28 2. The task force shall study appropriate voluntary standards
29 and procedures for evaluating employment applications from an
30 individual with a criminal history, including but not limited
31 to the nature of the crime, the age at which the crime was
32 committed, the nature of the duties of the position applied for,
33 and relevant evidence of the individual's rehabilitation.

34 3. The department of inspections, appeals, and licensing
35 shall provide staffing services for the task force. The director

1 or the director's designee shall serve as the chairperson of the
2 task force.

3 4. The members of the task force shall serve without
4 compensation and shall not be reimbursed for their expenses.

5 5. The task force shall submit a report regarding its
6 findings and recommendations to the governor and the general
7 assembly no later than January 1, 2026. The report shall
8 include a model pamphlet or other publication in both printed
9 and electronic form on evaluating employment applications from
10 individuals with criminal histories to be distributed to
11 employers in Iowa in a manner similar to other information
12 distributed by the director.

13 Sec. 12. EFFECTIVE DATE. This division of this Act, being
14 deemed of immediate importance, takes effect upon enactment.

15 EXPLANATION

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

18 DIVISION I — PROHIBITED HIRING PRACTICES — CRIMINAL RECORD
19 OR CRIMINAL HISTORY. Division I of this bill prohibits an
20 employer or employment agency from inquiring about or requiring
21 disclosure of the criminal record or criminal history of an
22 applicant until the applicant's interview is being conducted.
23 If an interview for the position will not be conducted, the
24 prohibition applies until after a conditional offer of employment
25 is made to the applicant by the employer or employment agency.

26 The prohibition does not apply to certain positions listed
27 in the division if an employer or employment agency establishes
28 a separate application form for such positions that includes
29 certain information listed in the division. The division does
30 not prohibit an employer or employment agency from notifying
31 applicants in writing of specific offenses that will disqualify
32 an applicant from employment in a particular position as
33 permitted by these exceptions.

34 The prohibition does not apply to certain additional positions
35 listed in the division.

1 An employment agency shall not be liable for a violation
2 of the prohibition if the employment agency can demonstrate by
3 clear and convincing evidence that such violation was caused by
4 the employment agency's good-faith reliance on an affirmative
5 representation by an employer that one of the exceptions listed
6 in the bill applied to the position in question. The employer
7 shall be liable for any such violations.

8 The division defines "applicant" as a person pursuing
9 employment with an employer or with or through an employment
10 agency. The division defines "employer" as a person who has
11 four or more employees in the current or preceding calendar year
12 and an agent of such a person, excluding family members. The
13 division defines "employment agency" as a person who, with or
14 without compensation, regularly brings together those desiring
15 to employ and those desiring employment and an agent of such a
16 person.

17 The division defines "criminal record or criminal history" as
18 information collected or possessed by any criminal justice agency
19 or judicial system in this state or in another jurisdiction,
20 including a federal, military, tribal, or foreign jurisdiction,
21 concerning individuals which information includes identifiable
22 descriptions and notations of arrests, detentions, indictments,
23 or other formal criminal charges, and any disposition arising
24 therefrom, including acquittal, deferred judgment, sentencing,
25 correctional supervision, release, or conviction, and any
26 sentence arising from a verdict or plea of guilty or nolo
27 contendere, including a sentence of incarceration, a suspended
28 sentence, a sentence of probation, or a sentence of conditional
29 discharge.

30 An employer or employment agency that violates the provisions
31 of the division is subject to civil penalties ranging from a
32 written warning for a first violation to up to \$1,500 every 30
33 days for a fourth or subsequent violation not remedied within 90
34 days.

35 The director of the department of inspections, appeals, and

1 licensing may hold hearings and investigate alleged violations
2 of the division by an employer or employment agency, may assess
3 and recover civil penalties and seek assistance from the attorney
4 general in such recovery, and shall adopt rules to administer the
5 division.

6 The division shall not be construed to require an employer to
7 employ an individual with a criminal record.

8 The division takes effect January 1, 2026.

9 DIVISION II — CRIMINAL HISTORY EMPLOYMENT APPLICATION TASK
10 FORCE. Division II of the bill creates a criminal history
11 employment application task force. The task force shall study
12 appropriate voluntary standards and procedures for evaluating
13 employment applications from an individual with a criminal
14 history, including but not limited to the nature of the crime,
15 the age at which the crime was committed, the nature of the
16 duties of the position applied for, and relevant evidence of the
17 individual's rehabilitation.

18 The division lists the membership of the task force. The
19 director shall be the chairperson of the task force and the labor
20 services division of the department of workforce development
21 shall provide staffing services for the task force.

22 The task force shall submit a report regarding its findings
23 and recommendations to the governor and the general assembly no
24 later than January 1, 2026. The report shall include a model
25 pamphlet or other publication in both printed and electronic
26 form on evaluating employment applications from individuals with
27 criminal histories to be distributed to employers in Iowa in a
28 manner similar to other information distributed by the director.

29 The division takes effect upon enactment.