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# Alabama

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Alaska

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Arizona

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Arkansas

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Employers cannot demand social media credentials from job applicants. [Ark. Code Ann. § 11-2-124 (b) (1) (2018)](Acts%202013,%20No.%201480,%20§%201;%202017,%20No.%20792,%20§%201).

-Institutions of higher education cannot demand or inquire about the social media accounts of current or prospective students or employees. [Ark. Code Ann. § 6-60-104 (b) (1) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=9a8cbf26-86c1-4604-821d-0f183d7c3644&config=00JAA2ZjZiM2VhNS0wNTVlLTQ3NzUtYjQzYy0yYWZmODJiODRmMDYKAFBvZENhdGFsb2fXiYCnsel0plIgqpYkw9PK&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A592H-R5M0-R03N-00GJ-00008-00&pddocid=urn%3AcontentItem%3A592H-R5M0-R03N-00GJ-00008-00&pdcontentcomponentid=234170&pdteaserkey=sr0&pditab=allpods&ecomp=-Jx7kkk&earg=sr0&prid=cf0cd34e-8bc3-4093-8763-6dfc1f08251e).

CRAs:

None beyond FRCA.

Special Forms:

None beyond FRCA.

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# California

|  |
| --- |
| *Nota bene:* California’s Consumer Privacy Protection Act (eff. 2020) may substantially change the below. |

Subscribers:

**Criminal records:**

-Employers may not inquire about or consider arrest records of job applicants unless the arrest resulted in a conviction, except for charges that are still pending. [Cal. Lab. Code § 432.7 (a)(1) (2018)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=432.7.).

-Employers may not inquire about or consider arrest records of job applicants of any conviction that has been judicially-dismissed or sealed.

-Employers may not inquire or consider sex offender information of job applicants unless the employer deals with “at-risk” individuals.

-Employers may not inquire about any juvenile proceeding of a job applicant.

-Employers may not inquire or consider arrest records of a job applicant dispensed by pretrial diversion programs.

-Employers may not inquire or consider marijuana convictions that are over two years old for job applicants. Cal. Lab. Code § 432.8 (1976).

**Ban-the-Box:**

-Employers may not consider the criminal history of applicants. [Cal. Gov. Code § 12952 (2018)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=12952.).

-Public Employers cannot inquire about applicants’ conviction history until and unless the public employer determines that the applicant meets the employment requirements stated in the notice, and even then, the public employer must consider whether the nature of the crime relates to the specific business that is to be conducted by the applicant. [Cal. Lab. Code § 432.7 (l)(2) (2018)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=432.7.).

**Generally:**

-Employers cannot force applicants to pay for a background check. [Cal. Lab. Code § 450 (b)(2) (1998)](https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=LAB&division=2.&title=&part=1.&chapter=3.&article=4.).

-Employers cannot force applicants to pay for medical exam as part of a background check. [Cal. Lab. Code § 222.5 (1957)](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=222.5.).

-Employers must provide notice of and justify all hiring criteria as job-related.

-Employers that obtain investigative consumer reports such as background checks are also subject to the requirements of the Fair Credit Reporting Act (15 U.S.C. § 1681 et seq.) and the California Investigative Consumer Reporting Agencies Act (Civil Code section 1786 et seq.).

-Employers cannot inquire about applicants’ past salary history and cannot rely on past salary history to determine proposed salary or make an offer based on salary history. [Cal. Lab. Code § 432.3 (2018)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=432.3.).

-Employers must provide notice to applicants before requesting a consumer credit report from an applicant, [Cal. Civ. Code § 1785.20.5 (2011)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1785.20.5.), and even then, the consumer credit report must only be for an enumerated position. [Cal. Lab. Code § 1024.5 (2011)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=1024.5.).

-Employers cannot demand social media credentials from applicants. [Cal. Lab. Code § 980 (2013)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=980.).

CRAs:

-Certain records can be reported for 7 years, subject to exceptions:

(1) Bankruptcies that, from the date of the order for relief, antedate the report by more than 10 years.

(2) Suits that, from the date of filing, and satisfied judgments that, from the date of entry, antedate the report by more than seven years.

(3) Unsatisfied judgments that, from the date of entry, antedate the report by more than seven years.

(4) Unlawful detainer actions where the defendant was the prevailing party or where the action is resolved by settlement agreement.

(5) Paid tax liens that, from the date of payment, antedate the report by more than seven years.

(6) Accounts placed for collection or charged to profit and loss that antedate the report by more than seven years.

(7) Records of arrest, indictment, information, misdemeanor complaint, or conviction of a crime that, from the date of disposition, release, or parole, antedate the report by more than seven years. These items of information shall no longer be reported if at any time it is learned that, in the case of a conviction, a full pardon has been granted or, in the case of an arrest, indictment, information, or misdemeanor complaint, a conviction did not result; except that records of arrest, indictment, information, or misdemeanor complaints may be reported pending pronouncement of judgment on the particular subject matter of those records.

(8) Any other adverse information that antedates the report by more than seven years.

BUT,

(b) The provisions of subdivision (a) are not applicable in either of the following circumstances:

(1) If the investigative consumer report is to be used in the underwriting of life insurance involving, or that may reasonably be expected to involve, an amount of two hundred fifty thousand dollars ($250,000) or more.

(2) If the investigative consumer report is to be used by an employer who is explicitly required by a governmental regulatory agency to check for records that are prohibited by subdivision (a) when the employer is reviewing a consumer’s qualification for employment.

(c) Except as otherwise provided in Section 1786.28, an investigative consumer reporting agency shall not furnish an investigative consumer report that includes information that is a matter of public record and that relates to an arrest, indictment, conviction, civil judicial action, tax lien, or outstanding judgment, unless the agency has verified the accuracy of the information during the 30-day period ending on the date on which the report is furnished.

(d) An investigative consumer reporting agency shall not prepare or furnish an investigative consumer report on a consumer that contains information that is adverse to the interest of the consumer and that is obtained through a personal interview with a neighbor, friend, or associate of the consumer or with another person with whom the consumer is acquainted or who has knowledge of the item of information, unless either (1) the investigative consumer reporting agency has followed reasonable procedures to obtain confirmation of the information, from an additional source that has independent and direct knowledge of the information, or (2) the person interviewed is the best possible source of the information.

[Cal. Civ. Code § 1786.18 (2009)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1786.18.).

-Convictions can be reported for 7 years, but non-conviction information cannot be reported except for pending charges. [Cal. Civ. Code § 1786.18 (2009)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1786.18.).

-Criminal records reported by a CRA must be up-to-date. [Cal. Civ. Code § 1786.28 (b) (2001)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1786.28.).

-CRAs must disclose if personal information is transferred to a third-party outside of the United States. [Cal. Lab. Code § 1786.20 (d)(1)(A) (2010)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1786.20.).

-CRAs must provide a privacy policy document to the consumer of whom the report relates. [Cal. Lab. Code § 1786.20 (d)(1)(A) (2010)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1786.20.).

-Use of databased-records is prohibited unless an onsite search is also conducted in order to comply with the up-to-date requirement noted above. [Cal. Civ. Code § 1786.28 (b) (2001)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1786.28.).

-CRAs must provide notice to the consumer before requesting a consumer credit report from an applicant that a consumer credit report will be requested. [Cal. Civ. Code § 1785.20.5 (2011)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1785.20.5.).

-When requested, the consumer credit report must only be for an enumerated position and not for a generally-posted job solicitation. [Cal. Lab. Code § 1024.5 (2011)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=LAB&sectionNum=1024.5.).

Special Forms:

Authorization Form must include a “box” that allows the consumer to indicate a desire to receive a copy of the report, two Notices must be included on the front page of the report, and specific instructions as to what must be included on the Authorization Form are discussed. [Cal. Civ. Code § 1786.16 (b)(1) (2010)](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=1786.16.).

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# Colorado

Subscribers:

**Criminal records:**

-None beyond FCRA.

**Ban-the-Box:**

-Public Employers cannot indicate that a specific position being advertised is only for non-convicted felons, including on the application itself, unless the statute prohibits employment of a specific conviction for a particular position. [Colo. Rev. Stat. 24-5-101 (2)-(4) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=f0176fa7-3d76-42c7-808f-8c144ba1594d&config=014FJAAyNGJkY2Y4Zi1mNjgyLTRkN2YtYmE4OS03NTYzNzYzOTg0OGEKAFBvZENhdGFsb2d592qv2Kywlf8caKqYROP5&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5TYF-BM20-004D-13KD-00008-00&pddocid=urn%3AcontentItem%3A5TYF-BM20-004D-13KD-00008-00&pdcontentcomponentid=234176&pdteaserkey=sr0&pditab=allpods&ecomp=-Jx7kkk&earg=sr0&prid=3772a31a-0c5a-418d-90af-45756273ab9f).

Exceptions: Department of Corrections, Department of Public Safety, positions involving direct contact with vulnerable persons, licensure of educators, public retirement association personnel, and peace officers.

**Generally:**

-Employers cannot use consumer credit information for employment purposes unless the information is substantially related to the employee’s current or potential job. [Col. Rev. Stat. § 8-2-126 (3) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=8edb6016-b9cc-45d5-9799-0569bd254d8c&config=014FJAAyNGJkY2Y4Zi1mNjgyLTRkN2YtYmE4OS03NTYzNzYzOTg0OGEKAFBvZENhdGFsb2d592qv2Kywlf8caKqYROP5&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5TYF-BJ80-004D-14S0-00008-00&pddocid=urn%3AcontentItem%3A5TYF-BJ80-004D-14S0-00008-00&pdcontentcomponentid=234176&pdteaserkey=sr0&pditab=allpods&ecomp=-Jx7kkk&earg=sr0&prid=30f735b8-7e1a-479c-8db8-a60e58e9fd4b).

Exceptions: banks or financial institutions, where obtaining the report is required by law, or where the employer has a bona fide purpose for requesting the report and the purpose and the fact that a report will be obtained are disclosed in writing to the employee. Id at (4).

Exception: If a report is obtained under the “substantially related” exception, then the employer may inquire further and obtain consumer credit information. Id at (3) (b).

-Employers cannot demand social media credentials from job applicants. [Col. Rev. Stat. § 8-2-127 (2) (a) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=4ce51bd7-46fa-4853-8322-6d3b39ec1a26&action=pawlinkdoc&pdcomponentid=&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5TYF-BJ80-004D-14S1-00008-00&pdtocnodeidentifier=AAIAABAACAABABE&config=014FJAAyNGJkY2Y4Zi1mNjgyLTRkN2YtYmE4OS03NTYzNzYzOTg0OGEKAFBvZENhdGFsb2d592qv2Kywlf8caKqYROP5&ecomp=8gqfkkk&prid=8edb6016-b9cc-45d5-9799-0569bd254d8c).

-Moreover, employers cannot demand employees to add anyone to the employee’s social media platforms. [Id](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=4ce51bd7-46fa-4853-8322-6d3b39ec1a26&action=pawlinkdoc&pdcomponentid=&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5TYF-BJ80-004D-14S1-00008-00&pdtocnodeidentifier=AAIAABAACAABABE&config=014FJAAyNGJkY2Y4Zi1mNjgyLTRkN2YtYmE4OS03NTYzNzYzOTg0OGEKAFBvZENhdGFsb2d592qv2Kywlf8caKqYROP5&ecomp=8gqfkkk&prid=8edb6016-b9cc-45d5-9799-0569bd254d8c).

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Connecticut

Subscribers:

**Criminal records:**

-Public Employers may not deny employment based on arrest records without a conviction. [Conn. Gen. Stat. Ann. § 46a-80 (a) (2017)](https://www.cga.ct.gov/2015/pub/chap_814c.htm#sec_46a-80).

-Employers may not inquire or consider a conviction that has been provisionally pardoned or for which a certificate of rehabilitation is obtained (Id at (c)), and if the pardon or certificate is relied upon to make an adverse determination, then the reason for the denial shall be transmitted to the applicant in writing. Id.

-Employers may not inquire or consider any conviction that has been “erased.” Id at (e); see also [Conn. Gen. Stat. Ann. § 31-51i (b) (2017)](https://www.cga.ct.gov/2015/pub/chap_557.htm#sec_31-51i).

**Ban-the-Box:**

-Employers may not consider criminal history of job applicants. [Conn. Gen. Stat. Ann. § 46a-80 (b) (2017)](https://www.cga.ct.gov/2015/pub/chap_814c.htm#sec_46a-80).

Exceptions: when employers required to obtain criminal history under state or federal law, or where a position requires a surety or fidelity bond.

**Generally:**

-Employers cannot demand social media credentials from job applicants. [Conn. Gen. Stat. Ann. § 31-40x (b) (2017)](https://search.cga.state.ct.us/r/statute/dtsearch.asp?cmd=getdoc&DocId=44772&Index=I%3a%5czindex%5csurs&HitCount=2&hits=4be+4bf+&hc=2&req=%28number+contains+31-40x%2A%29&Item=0). However, nothing stops an employer from viewing publicly-available social media content.

-Employers cannot inquire about applicants’ past salary history and cannot rely on past salary history to determine proposed salary or make an offer based on salary history. [Conn. Gen. Stat. Ann. § 31-40z (b) (2019)](https://www.jacksonlewis.com/sites/default/files/docs/2018PA-00008-R00HB-05386-PA.pdf) (not yet codified).

-Employers may obtain credit information about the job applicant only if the information is “substantially related to the employee’s current or potential job”. [Conn. Gen. Stat. Ann. § 31-51tt (a) (4) (2017)](https://www.cga.ct.gov/2015/pub/chap_557.htm#sec_31-51tt). (4) “Substantially related to the employee's current or potential job” means the information contained in the credit report is related to the position for which the employee or prospective employee who is the subject of the report is being evaluated because the position:

(A) Is a managerial position which involves setting the direction or control of a business, division, unit or an agency of a business;

(B) Involves access to customers', employees' or the employer's personal or financial information other than information customarily provided in a retail transaction;

(C) Involves a fiduciary responsibility to the employer, including, but not limited to, the authority to issue payments, collect debts, transfer money or enter into contracts;

(D) Provides an expense account or corporate debit or credit card;

(E) Provides access to (i) confidential or proprietary business information, or (ii) information, including a formula, pattern, compilation, program, device, method, technique, process or trade secret that: (I) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from the disclosure or use of the information; and (II) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy; or

(F) Involves access to the employer's nonfinancial assets valued at two thousand five dollars or more, including, but not limited to, museum and library collections and to prescription drugs and other pharmaceuticals.

Exceptions: “financial institutions” as defined in the statute, mortgage brokers, where required by law, specific violations of law related to the employment, or where the employer has a bona fide purpose are exempted (Id at (b)).

CRAs:

-When a CRA issues a report to someone other than the person who is the subject of the report, the CRA must provide to the consumer who is the subject of the report: 1) notice that the CRA is reporting criminal matters of public record, and 2) the name and address of the person to whom such consumer report is being issued. [Conn. Gen. Stat. Ann. § 31-51i (h) (2) (A) (2017)](https://www.cga.ct.gov/2015/pub/chap_557.htm#sec_31-51i).

-Any criminal matter reported must be up-to-date as of the date that the report is issued by the CRA. Id at (h) (2) (B).

-CRAs must safeguard social security numbers. [Conn. Gen. Stat. Ann. § 42-471 (2017)](https://www.cga.ct.gov/2015/pub/chap_743dd.htm).

-CRAs in possession of social security numbers shall have a privacy policy. Id.

-CRAs shall, prior to disclosing criminal records, purchase from the Judicial Department on a monthly basis or other schedule to be determined, any updated criminal matters of pubic record that have been erased ([Conn. Gen. Stat. Ann. § 54-142e (a) (2017)](https://www.cga.ct.gov/2015/pub/chap_961a.htm#sec_54-142e)), and must update its records of criminal matters of public record to permanently delete such erased records (Id at (b)). The CRA shall not further disclose such erased records. Id.

Special Forms:

From [Conn. Gen. Stat. Ann. § 31-51i (c) (2017)](https://www.cga.ct.gov/2015/pub/chap_557.htm#sec_31-51i):

An employment application form that contains any question concerning the criminal history of the applicant shall contain a notice, in clear and conspicuous language: (1) That the applicant is not required to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a, (2) that criminal records subject to erasure pursuant to section 46b-146, 54-76o or 54-142a are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolled, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon, and (3) that any person whose criminal records have been erased pursuant to section 46b-146, 54-76o or 54-142a shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.

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# Delaware

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

-Employers may not inquire or consider the criminal record of a job applicant during the initial application process, up to and including the first interview. [19 Del. C. 2018 § 711 (g) (1)](http://delcode.delaware.gov/title19/c007/sc02/index.shtml).

Exception: does not apply to State agencies. Id at (g) (4).

**Generally:**

-Employers cannot inquire about job applicants’ past salary history and cannot rely on past salary history to determine proposed salary or make an offer based on salary history. [19 Del. C. § 709B (b) (2018)](http://delcode.delaware.gov/title19/c007/sc01/index.shtml).

-Employers cannot demand social media credentials from job applicants. [19 Del. C § 709A (b) (2018)](http://delcode.delaware.gov/title19/c007/sc01/index.shtml).

CRAs:

None beyond FCRA.

Special Forms:

Delaware agencies shall include a formal statement that the State does not consider conviction or credit information of an applicant for state employment during the initial application process unless otherwise required by state or federal law, and that vendors doing business with the State are encouraged to adopt similar policies. [29 Del. C. § 6909B (2018)](http://delcode.delaware.gov/title29/c069/sc01/index.shtml).

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# District of Columbia

Subscribers:

**Criminal records:**

-Employers may not perform a pre-employment test for marijuana until after a conditional offer of employment is made to the job applicant. [D.C. Code Ann. § 32-391 (a) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=49943ccb-dbab-4db7-8649-997a7879b1dd&nodeid=AAFAAJAARAAB&nodepath=%2FROOT%2FAAF%2FAAFAAJ%2FAAFAAJAAR%2FAAFAAJAARAAB&level=4&haschildren=&populated=false&title=%C2%A7+32-931.+Restriction+on+pre-employment+marijuana+testing.&config=00JABiNDg1YzdlZi1kMDFiLTQ5YmQtYjM2Yi03ZWY3MmNiNmE1NTEKAFBvZENhdGFsb2f7r915sHTEilgUZv8sJAwq&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5HV9-YKS1-DXC8-0215-00008-00&ecomp=-_57kkk&prid=8978dae2-ca76-4344-83d8-2a316efd844e).

**Ban-the-Box:**

-Employers may not inquire or consider arrest records without a conviction until a conditional offer of employment is made. [D.C. Code Ann. § 32-1342 (a)-(b) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=c336445a-8e15-491d-8cd8-f06a1cf199c6&nodeid=AAFAAJAAZAABAAC&nodepath=%2FROOT%2FAAF%2FAAFAAJ%2FAAFAAJAAZ%2FAAFAAJAAZAAB%2FAAFAAJAAZAABAAC&level=5&haschildren=&populated=false&title=%C2%A7+32-1342.+Inquiries+into+certain+arrests%2C+accusations%2C+and+convictions.&config=00JABiNDg1YzdlZi1kMDFiLTQ5YmQtYjM2Yi03ZWY3MmNiNmE1NTEKAFBvZENhdGFsb2f7r915sHTEilgUZv8sJAwq&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5F6Y-WM31-DXC8-022S-00008-00&ecomp=-_57kkk&prid=8978dae2-ca76-4344-83d8-2a316efd844e).

Exception: where District or federal law requires consideration of arrest records for the purposes of employment; where the position is designed to encourage employment of those with criminal histories; or to facilities or employers that provide programs or services to minors or vulnerable adults. Id at (c).

Exception: following extension of a conditional offer of employment, an employer may only rescind the offer based on criminal history for a legitimate business reason. What is a “legitimate business reason” is defined by six (6) factors in the statute at (d):

(1) The specific duties and responsibilities necessarily related to the employment sought or held by the applicant;

(2) The bearing, if any, of the criminal offense for which the applicant was previously convicted will have on his or her fitness or ability to perform one or more such duties or responsibilities;

(3) The time which has elapsed since the occurrence of the criminal offense;

(4) The age of the applicant at the time of the occurrence of the criminal offense;

(5) The frequency and seriousness of the criminal offense; and

(6) Any information produced by the applicant, or produced on his or her behalf, in regard to his or her rehabilitation and good conduct since the occurrence of the criminal offense.

**Generally:**

-Employers are prohibited from considering credit information in employment decisions. [D.C. Code Ann. § 2-1402.11 (a) (1) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=8d3de662-1a09-4412-91c5-09dc28dbc881&nodeid=AABAACAAWAABAACAACAAB&nodepath=%2FROOT%2FAAB%2FAABAAC%2FAABAACAAW%2FAABAACAAWAAB%2FAABAACAAWAABAAC%2FAABAACAAWAABAACAAC%2FAABAACAAWAABAACAACAAB&level=7&haschildren=&populated=false&title=%C2%A7+2-1402.11.+Prohibitions.&config=00JABiNDg1YzdlZi1kMDFiLTQ5YmQtYjM2Yi03ZWY3MmNiNmE1NTEKAFBvZENhdGFsb2f7r915sHTEilgUZv8sJAwq&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A8PPX-5VD2-D6RV-H25C-00008-00&ecomp=-_57kkk&prid=c773871d-3c98-4a51-80bd-9924c3420844).

Exceptions:

(1) Where an employer is otherwise required by District law to require, request, suggest, or cause any employee to submit credit information, or use, accept, refer to, or inquire into an employee’s credit information.

(2) Where an employee is applying for a position as or is employed as a police officer with the Metropolitan Police Department, as a special police officer or campus police officer appointed pursuant to § 5-129.02(a), or in a position with a law enforcement function;

(3) To the Office of the Chief Financial Officer of the District of Columbia;

(3A) To the District of Columbia Retirement Board;

(4) Where an employee is required to possess a security clearance under District law;

(5) To disclosures by District government employees of their credit information to the Board of Ethics and Government Accountability or the Office of the Inspector General, or to the use of such disclosures by those agencies;

(6) To financial institutions, where the position involves access to personal financial information; or

(7) Where an employer requests or receives credit information pursuant to a lawful subpoena, court order, or law enforcement investigation.

[D.C. Code Ann. § 2-1402.11 (d) (1)-(7) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=8d3de662-1a09-4412-91c5-09dc28dbc881&nodeid=AABAACAAWAABAACAACAAB&nodepath=%2FROOT%2FAAB%2FAABAAC%2FAABAACAAW%2FAABAACAAWAAB%2FAABAACAAWAABAAC%2FAABAACAAWAABAACAAC%2FAABAACAAWAABAACAACAAB&level=7&haschildren=&populated=false&title=%C2%A7+2-1402.11.+Prohibitions.&config=00JABiNDg1YzdlZi1kMDFiLTQ5YmQtYjM2Yi03ZWY3MmNiNmE1NTEKAFBvZENhdGFsb2f7r915sHTEilgUZv8sJAwq&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A8PPX-5VD2-D6RV-H25C-00008-00&ecomp=-_57kkk&prid=c773871d-3c98-4a51-80bd-9924c3420844).

CRAs:

-“Arrest record” shall only list adult convictions for which the sentence was completed not more than 10 years before the date on which the records were requested and forfeitures of collateral [bond] in a court proceeding that have occurred not more than 10 years before the date on which the record was requested. [D.C. Code § 2-1402.66 (b) (1) (C) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=c37a5656-cedc-4267-bbf3-e5d3daf578eb&nodeid=AABAACAAWAABAACAAHAAG&nodepath=%2FROOT%2FAAB%2FAABAAC%2FAABAACAAW%2FAABAACAAWAAB%2FAABAACAAWAABAAC%2FAABAACAAWAABAACAAH%2FAABAACAAWAABAACAAHAAG&level=7&haschildren=&populated=false&title=%C2%A7+2-1402.66.+Arrest+records.&config=00JABiNDg1YzdlZi1kMDFiLTQ5YmQtYjM2Yi03ZWY3MmNiNmE1NTEKAFBvZENhdGFsb2f7r915sHTEilgUZv8sJAwq&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5GKT-49N1-DXC8-0131-00008-00&ecomp=-_57kkk&prid=50f8629f-ee8d-4c1c-b6ed-8f351f07bba9).

Special Forms:

None beyond FCRA.

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# Florida

Subscribers:

**Criminal records:**

-Public employers cannot disqualify a person from employment because of a prior conviction of a crime, unless the prior crime was a felony that is directly related to the position, unless the position is deemed to be critical to security or public safety. [Fla. Stat. § 112.011 (1) (a) (2018)](http://www.flsenate.gov/Laws/Statutes/2018/112.011).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Georgia

Subscribers:

**Criminal records:**

-Public employers may not inquire about criminal convictions on applications, but may do so only after the initial stage of the employment application process. [Ga. Code Ann. § 49-2-14 (b) (2018), eff. October 1, 2019](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=ff28677e-8c83-4d16-971a-74060874c7a0&config=00JAA1MDBlYzczZi1lYjFlLTQxMTgtYWE3OS02YTgyOGM2NWJlMDYKAFBvZENhdGFsb2feed0oM9qoQOMCSJFX5qkd&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5V8M-CMR0-004D-8245-00008-00&pddocid=urn%3AcontentItem%3A5V8M-CMR0-004D-8245-00008-00&pdcontentcomponentid=234186&pdteaserkey=sr3&pditab=allpods&ecomp=kgw7kkk&earg=sr3&prid=3e973429-2604-4f97-81cf-963c08c57f3f).

-Employers may not consider “first offender” criminal information, except for certain employers such as banks, schools, and those serving the disabled. [Ga. Code. Ann. § 35-3-34.1 (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=ea9faf2e-6b1c-4f73-9936-850272e069e2&config=00JAA1MDBlYzczZi1lYjFlLTQxMTgtYWE3OS02YTgyOGM2NWJlMDYKAFBvZENhdGFsb2feed0oM9qoQOMCSJFX5qkd&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5V8M-CNH0-004D-8462-00008-00&pddocid=urn%3AcontentItem%3A5V8M-CNH0-004D-8462-00008-00&pdcontentcomponentid=234186&pdteaserkey=sr2&pditab=allpods&ecomp=kgw7kkk&earg=sr2&prid=a73d7911-8d3e-43b4-91ae-982daf515cf3).

-Certain enumerated felonies do not apply for the first offender exception and records of this criminal information may be considered:

(1) A serious violent felony as such term is defined in Code Section 17-10-6.1;

(2) A sexual offense as such term is defined in Code Section 17-10-6.2;

(3) Trafficking of persons for labor or sexual servitude as prohibited by Code Section 16-5-46;

(4) Neglecting disabled adults, elder persons, or residents as prohibited by Code Section 16-5-101;

(5) Exploitation and intimidation of disabled adults, elder persons, and residents as prohibited by Code Section 16-5-102;

(6) Sexual exploitation of a minor as prohibited by Code Section 16-12-100;

(7) Electronically furnishing obscene material to a minor as prohibited by Code Section 16-12-100.1;

(8) Computer pornography and child exploitation as prohibited by Code Section 16-12-100.2;

(9)

(A) Any of the following offenses when such offense is committed against a law enforcement officer while such officer is engaged in the performance of his or her official duties:

(i) Aggravated assault in violation of Code Section 16-5-21;

(ii) Aggravated battery in violation of Code Section 16-5-24; or

(iii) Obstruction of a law enforcement officer in violation of subsection (b) of Code Section 16-10-24, if such violation results in serious physical harm or injury to such officer.

(B) As used in this paragraph, the term "law enforcement officer" means:

(i) A peace officer as such term is defined in paragraph (8) of Code Section 35-8-2;

(ii) A law enforcement officer of the United States government;

(iii) An individual employed as a campus police officer or school security officer;

(iv) A conservation ranger; and

(v) A jail officer employed at a county or municipal jail; or

(10) Driving under the influence as prohibited by Code Section 40-6-391.

[Ga. Code Ann. § 42-8-60 (j) (1)-(10) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=fc44ccce-d9d6-42de-b97f-85fba8e758f7&config=00JAA1MDBlYzczZi1lYjFlLTQxMTgtYWE3OS02YTgyOGM2NWJlMDYKAFBvZENhdGFsb2feed0oM9qoQOMCSJFX5qkd&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5V8M-CNN0-004D-80T5-00008-00&pddocid=urn%3AcontentItem%3A5V8M-CNN0-004D-80T5-00008-00&pdcontentcomponentid=234186&pdteaserkey=sr0&pditab=allpods&ecomp=kgw7kkk&earg=sr0&prid=3ae6f100-3585-43c6-87c3-540008dfc0dd).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Hawaii

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

-Employers are prohibited from inquiring about conviction histories older than 10 years until after a conditional offer of employment is made, or if after the conditional offer is withdrawn because of a relational relationship between the conviction and the position. [Haw. Rev. Stat. § 378-2.5 (a) and (b) (2018)](https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0002_0005.htm).

-There are 18 exceptions to the above prohibition that are expressly authorized to inquire about conviction histories younger than 10 years:

(1) The State or any of its branches, political subdivisions, or agencies pursuant to sections 78-2.7 and 831-3.1;

(2) The department of education pursuant to section 302A‑601.5;

(3) The department of health with respect to employees, providers, or subcontractors in positions that place them in direct contact with clients when providing non-witnessed direct mental health services pursuant to section 321-171.5;

(4) The judiciary pursuant to section 571-34;

(5) The counties pursuant to section 846-2.7(b)(5), (33), (34), (35), (36), and (38);

(6) Armed security services pursuant to section 261-17(b);

(7) Providers of a developmental disabilities domiciliary home pursuant to section 321-15.2;

(8) Private schools pursuant to sections 302C-1 and 378‑3(8);

(9) Financial institutions in which deposits are insured by a federal agency having jurisdiction over the financial institution pursuant to section 378-3(9);

(10) Detective agencies and security guard agencies pursuant to sections 463-6(b) and 463-8(b);

(11) Employers in the business of insurance pursuant to section 431:2-201.3;

(12) Employers of individuals or supervisors of individuals responsible for screening passengers or property under title 49 United States Code section 44901 or individuals with unescorted access to an aircraft of an air carrier or foreign carrier or in a secured area of an airport in the United States pursuant to title 49 United States Code section 44936(a);

(13) The department of human services pursuant to sections 346-97 and 352-5.5;

(14) The public library system pursuant to section 302A‑601.5;

(15) The department of public safety pursuant to section 353C-5;

(16) The board of directors of a cooperative housing corporation or the manager of a cooperative housing project pursuant to section 421I-12;

(17) The board of directors of an association under chapter 514B, or the managing agent or resident manager of a condominium pursuant to section 514B-133; and

(18) The department of health pursuant to section 321‑15.2. [am L 2017, c 181, §14]

[Id at (d) (1)-(18)](https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0002_0005.htm).

-Employers may not inquire about past salary history. [Haw. Rev. Stat. § 378-2.4 (a) (1) (2018)](https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0002_0004.htm).

**Generally:**

-Employers may not request or rely on information in a credit report unless the information directly relates to a bona fide occupational qualification under [Haw. Rev. Stat. § 378-3(2)](https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0003.htm); see also [Haw. Rev. Stat. § 378-2 (8) (2018)](https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0002.htm).

-Employers may only request credit information only after an applicant has received a conditional offer of employment, unless the position is for a managerial or supervisory position, or the employer is a financial institution. [Haw. Rev. Stat. § 378-2.7 (1), (3)-(4) (2018)](https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0002_0007.htm).

CRAs:

-CRAs may verify non-salary information when performing a background check. [Haw. Rev. Stat. § 378-2.4 (c) (2) (2018)](https://www.capitol.hawaii.gov/hrscurrent/Vol07_Ch0346-0398/HRS0378/HRS_0378-0002_0004.htm).

Special Forms:

None beyond FCRA.

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# Idaho

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Illinois

Subscribers:

**Criminal records:**

-Employers are prohibited from considering expunged or sealed criminal records for employment purposes, except for positions in law enforcement or for prosecutors. [20 Il. C. Stat. 2630 § 12 (a) (2018)](http://www.ilga.gov/legislation/ilcs/documents/002026300K12.htm).

**Ban-the-Box:**

-Employers with 15 or more employees are prohibited from inquiring about past criminal convictions until an applicant has been determined qualified for the position and notified that the applicant has been selected for an interview, or if no interview, until after a conditional offer of employment has been made. [820 Il. C. Stat. 75 § 15 (a) (2018)](http://www.ilga.gov/legislation/ilcs/documents/082000750K15.htm).

**Generally:**

-Employers are prohibited from inquiring about applicant or employees’ social media accounts. [820 Il. C. Stat. 55 § 10 (b) (1) (E) (i) (2018)](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2398&ChapterID=68).

-Certain employers may not obtain a credit report on an employee or applicant unless a bona fide reason exists for the position offered or the position is excepted. [820 Il. C. Stat. 70 § 10 (a) (2018)](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3277&ChapterID=68).

-"Employer" does not, however, include:

(1) Any bank holding company, financial holding company, bank, savings bank, savings and loan association, credit union, or trust company, or any subsidiary or affiliate thereof, that is authorized to do business under the laws of this State or of the United States.

(2) Any company authorized to engage in any kind of insurance or surety business pursuant to the Illinois Insurance Code, including any employee, agent, or employee of an agent acting on behalf of a company engaged in the insurance or surety business.

(3) Any State law enforcement or investigative unit, including, without limitation, any such unit within the Office of any Executive Inspector General, the Department of State Police, the Department of Corrections, the Department of Juvenile Justice, or the Department of Natural Resources.

(4) Any State or local government agency which otherwise requires use of the employee's or applicant's credit history or credit report.

(5) Any entity that is defined as a debt collector under federal or State statute.

"Financial information" means non-public information on the overall financial direction of an organization, including, but not limited to, company taxes or profit and loss reports.

"Marketable assets" means company property that is specially safeguarded from the public and to which access is only entrusted to managers and select other employees. For the purposes of this Act, marketable assets do not include the fixtures, furnishings, or equipment of an employer.

"Personal or confidential information" means sensitive information that a customer or client of the employing organization gives explicit authorization for the organization to obtain, process, and keep; that the employer entrusts only to managers and a select few employees; or that is stored in secure repositories not accessible by the public or low-level employees.

"State or national security information" means information only offered to select employees because it may jeopardize the security of the State or the nation if it were entrusted to the general public.

"Trade secrets" means sensitive information regarding a company's overall strategy or business plans. This does not include general proprietary company information such as handbooks, policies, or low-level strategies.

[820 Il. C. Stat. 70 § 5 (1)-(5) (2018)](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3277&ChapterID=68).

CRAs:

None beyond FCRA.

Special Forms:

-Employment application must state that the applicant is not required to disclose expunged, sealed, or impounded arrest or conviction record. [775 Il. C. Stat. 5 § 2-103 (A) (2018)](http://www.ilga.gov/legislation/ilcs/documents/077500050K2-103.htm).

-But, nothing prohibits an employer from obtaining other information that indicates that a person actually engaged in the conduct for which he or she was arrested. Id at (B).

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# Indiana

Subscribers:

**Criminal records:**

-Employers may not inquire about sealed or expunged criminal records of job applicants. [Ind. Code § 35-38-9-10 (b) (2018)](http://iga.in.gov/legislative/laws/2018/ic/titles/035#35-38-9-10).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

-CRAs may not report to an end-user criminal information that has been expunged; sealed by a court; information that the CRA knows is inaccurate; unless the person requesting the information is required to request the information by other law, or is a public subdivision requesting the information solely in relation to issuance of a public bond. [Ind. Code § 24-4-18-6 (a) – (b) (2018)](http://iga.in.gov/legislative/laws/2018/ic/titles/024#24-4-18-6).

-CRAs are prohibited from reporting criminal information that the CRA has not updated within the previous 60 days. [Ind. Code § 24-4-18-7 (a) and (b) (2018)](http://iga.in.gov/legislative/laws/2018/ic/titles/024#24-4-18-7).

Special Forms:

None beyond FCRA.

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# Iowa

Subscribers:

**Criminal records:**

-Employers must pay for criminal records data from the State. [Iowa Code § 692.2 (6) (b) (2018)](https://www.legis.iowa.gov/docs/code/692.pdf).

-A signed release is required for disclosure of criminal history information that does not contain any disposition information after 18 months from the date of the arrest, or successful completion of probation. [Iowa Code § 692.2 (1) (b) (3) and (4) (2018)](https://www.legis.iowa.gov/docs/code/692.pdf).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Kansas

Subscribers:

**Criminal records:**

-Employers cannot require applicants to pay for background checks. [Kan. Stat. Ann. § 22-4710 (a) (2016)](http://kslegislature.org/li_2016/b2015_16/statute/022_000_0000_chapter/022_047_0000_article/022_047_0010_section/022_047_0010_k/).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Employers may only deny employment based on criminal history if the criminal information bears on the applicant’s trustworthiness or the safety of employer’s employees or customers. [Kan. Stat. Ann. § 22-4710 (f) (2018)](http://kslegislature.org/li_2016/b2015_16/statute/022_000_0000_chapter/022_047_0000_article/022_047_0010_section/022_047_0010_k/).

CRAs:

-Unless the credit transaction involves principal over $50,000 or salary over $20,000 or life insurance underwriting, CRAs are prohibited from reporting bankruptcies older than 14 years; suits and judgments older than 7 years; paid tax liens older than 7 years; collections older than 7 years; records of arrest, indictment, or conviction older than 7 years; any other adverse item older than 7 years. [Kan. Stat. Ann. § 50-704 (a) and (b) (2016)](http://kslegislature.org/li_2016/b2015_16/statute/050_000_0000_chapter/050_007_0000_article/050_007_0004_section/050_007_0004_k/).

Special Forms:

None beyond FCRA.

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# Kentucky

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Employers cannot require applicants to pay for background checks. [Ky. Rev. Stat. Ann. § 336.220 (1) (2018)](https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=32022).

CRAs:

-CRAs are prohibited from maintaining any information relating to any charge that did not result in a conviction. [Ky. Rev. Stat. Ann. § 367.310 (2018)](https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=34931).

Special Forms:

None beyond FCRA.

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# Louisiana

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Employers may not require applicants to pay for pre-employment background checks or fingerprinting or medical examinations. [LA Rev. Stat. 23 § 897 (A) (2018)](http://www.legis.la.gov/Legis/Law.aspx?d=84006).

-Employers may not inquire about or require access to applicants’ social media accounts. [LA Rev. Stat. 51 § 1951 (A) (1)-(2) (2018)](http://www.legis.la.gov/Legis/Law.aspx?d=919877).

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Maine

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Maryland

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

-Employers are prohibited from inquiring about job applicants’ past criminal convictions in an application, interview, or other means. [Md. Code Ann., Crim. Proc. § 10-109 (a) and (b) (2018)](https://govt.westlaw.com/mdc/Document/N494346209CDE11DB9BCF9DAC28345A2A?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

**Generally:**

-(a) Employers may not request an investigative consumer report on an applicant unless:

(1) It is clearly and accurately disclosed to the consumer that an investigative consumer report including information as to his character, general reputation, personal characteristics, and mode of living, whichever are applicable, may be made, and the disclosure:

(i) is made in a writing mailed, or otherwise delivered, to the consumer, *not later than three days* after the date on which the report was first requested; and

(ii) includes a statement informing the consumer of his right to request the additional disclosures provided for under subsection (b) (below) of this section; or

(2) The report is to be used for employment purposes for which the consumer has not specifically applied.

Sub-section (b):

(b) Any person who procures or causes to be prepared an investigative consumer report on any consumer shall make, upon written request made by the consumer *within a reasonable period of time* after the receipt by him of the disclosure required by subsection (a)(1) of this section, a complete and accurate disclosure of the nature and scope of the investigation requested. This disclosure shall be made in a writing mailed, or otherwise delivered, to the consumer *not later than five days* after the date on which the request for the disclosure was received from the consumer or the report was first requested, whichever is the later.

[Md. Code Ann., Comm. Law § 14-1204 (a) and (b) (2018)](https://govt.westlaw.com/mdc/Document/N82D4CEB085F011E8BAF0E44D9C93FDBF?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

Maryland “Job Applicant Fairness Act”:

(a) Employers other than financial institutions or investment advisors or credit unions may request an applicant or employee’s credit report or credit history if the applicant is offered a position and the credit report will not be used for a prohibited action under sub-section (b), or the employer has a “bona fide purpose” for requesting the information that is substantially job-related and disclosed in writing to the employee or applicant.

(b) In general. -- Except as provided in subsection (c) of this section, an employer may not use an applicant's or employee's credit report or credit history in determining whether to:

(1) deny employment to the applicant;

(2) discharge the employee; or

(3) determine compensation or the terms, conditions, or privileges of employment.

(c) For the purposes of this subsection, a position for which an employer “has a bona fide purpose” that is substantially job-related for requesting or using information in a credit report or credit history includes a position that:

(i) is managerial and involves setting the direction or control of a business, or a department, division, unit, or agency of a business;

(ii) involves access to personal information, as defined in § 14-3501 of the Commercial Law Article, of a customer, employee, or employer, except for personal information customarily provided in a retail transaction;

(iii) involves a fiduciary responsibility to the employer, including the authority to issue payments, collect debts, transfer money, or enter into contracts;

(iv) is provided an expense account or a corporate debit or credit card; or

(v) has access to:

1. information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

A. derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from the disclosure or use of the information; and

B. is the subject of efforts that are reasonable under the circumstances to maintain its secrecy; or

2. other confidential business information.

[Md. Code Ann., Lab. and Emp. § 3-711 (a) - (c) (2018)](https://govt.westlaw.com/mdc/Document/N0AC77490857F11E18F83C059B72D3D18?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

-Employers are prohibited from inquiring about, accessing, or requiring the credentials for employee social media accounts. [Md. Code Ann., Lab. and Emp. § 3-712 (b) (1) (2018)](https://govt.westlaw.com/mdc/Document/N86618740D8F211E28843F593B78874C5?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

CRAs:

-CRAs must register with the State annually. [Md. Code Ann., Comm. Law § 14-1215 (2018)](https://govt.westlaw.com/mdc/Document/N82D4CEB085F011E8BAF0E44D9C93FDBF?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

-Unless a credit transaction involving more than $50,000 or salary over $20,000 or life insurance, CRAs are prohibited from reporting on bankruptcies older than 7 years; suits and judgments older than 7 years; paid tax liens older than 7 years; collections older than 7 years; arrest, indictment, or conviction older than 7 years; any other adverse item older than 7 years. [Md. Code Ann., Comm. Law § 14-1203 (a) and (b) (2018)](https://govt.westlaw.com/mdc/Document/N65B732709CDA11DB9BCF9DAC28345A2A?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

-Upon written request by and proper identification of the consumer, CRAs must provide an exact copy of any file on that consumer except any part of the file which contains medical information, a written explanation of codes and trade language used, a description of the consumers rights under Maryland Title 14, Subtitle 12. [Md. Code Ann., Comm. Law. § 14-1206 (a) (1)-(4) (2018)](https://govt.westlaw.com/mdc/Document/N666DFF509CDA11DB9BCF9DAC28345A2A?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)).

NB – there is no exact model language or form provided that is a description of all the rights available.

Special Forms:

None beyond FCRA.

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# Massachusetts

“CORI” = Criminal Offender Records Information that can be accessed on the [website](https://icori.chs.state.ma.us/icori/ext/global/landing.action?page=1&bod=1549294551002&m=presentLanding) of the Commonwealth of Massachusetts Department of Criminal Justice Information Services. [803 CMR 2.00 (2017)](https://www.mass.gov/regulations/803-CMR-200-criminal-offender-record-information-cori).

Subscribers:

**Criminal records:**

-Employers may not inquire job applicants’ about criminal records that did not result in a conviction. [Mass. Gen. L. c. 151B § 4 (9) (i) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter151B/Section4).

-Employers may not inquire about job applicants’ first convictions for certain misdemeanor crimes of drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace. [Mass Gen. L. c. 151B § 4 (9) (ii) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter151B/Section4).

-Employers may not inquire about job applicants’ convictions for misdemeanor over 5 years, unless there is a later conviction for any offense. [Mass Gen. L. c. 151B § 4 (9) (iii) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter151B/Section4).

-Employers may not inquire about job applicants’ sealed or expunged records. [Mass Gen. L. c. 151B § 4 (9) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter151B/Section4).

-Employers must provide special adverse action notice to job applicants before the adverse action is taken if the adverse action is based in part on information in the consumer report. [Mass. Gen. L. c. 63 § 62 (2017)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93/Section62).

**Ban-the-Box:**

-Employers may not inquire about criminal records on the original written application prior to the job interview. [Mass. Gen. L. c. 155B § 4 (9½) (2016)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter151B/Section4). However, this restriction does not apply if Massachusetts law makes a presumptive disqualification based upon certain types of convictions or prohibits the hiring of persons with certain convictions, in which case the employer may inquire about convictions on the original written application. Id at (i).

**Generally:**

-Employers must follow regulations when accessing CORI for employment purposes. [803 CMR 2.00 (2017)](https://www.mass.gov/regulations/803-CMR-200-criminal-offender-record-information-cori).

-Massachusetts Department of Criminal Justice Information Systems has published a [model policy](https://www.mass.gov/files/documents/2017/09/19/Model%20CORI%20Policy_1.pdf) for End-users when accessing CORI and includes a [model CORI Acknowledgement Form for employers](https://www.mass.gov/files/documents/2017/09/19/Employment%20and%20licensing%20CORI%20Acknowledgment%20Form_1.pdf).

-Employers must not retain CORI for more than seven (7) years. [803 CMR 2.12 (4) (2017)](https://www.mass.gov/regulations/803-CMR-200-criminal-offender-record-information-cori).

-End-users must maintain the consents of consumers for at least one (1) year from the date of the original request. [Mass. Gen. L. c. 6 § 172 (c) (2017)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6/Section172). NOTE: FCRA mandates a five (5)-year retention period for consents.

-Employers must inform applicants of criminal history records before adverse action is taken. [Mass. Gen. L. c. 6 § 171A (2017)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6/Section171A).

-Employers may not inquire about salary history before making an offer of employment. [Mass. Gen. L. c. 149 § 105A (c) (2) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXXI/Chapter149/Section105A).

CRAs:

CRA must provide notice and obtain written permission for an investigative consumer report for any purpose whatsoever, not just for employment purposes. [Mass. Gen. L. c. 93 § 53 (a) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93/Section53).

-CRA must provide a copy of the report to the consumer upon request at the completion of the report. [Mass. Gen. L. c. 93 § 53 (b) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93/Section53).

-CRA must provide notice of Massachusetts rights upon request by the consumer and with each file disclosure. [Mass. Gen. L. c. 93 § 56 (a) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93/Section56).

-The required Massachusetts notice includes identifying the source of credit information, and also identifying the recipients of any consumer report on the consumer which the CRA has furnished for employment purposes within the last 2 years, and for any other purposes within the past 6 months. [Mass. Gen. L. c. 93 § 56 (2) and (3) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93/Section56).

-The required Massachusetts notice shall include substantially similar language in a not-less-than 10-point font:

''You have a right to obtain a copy of your credit file from a consumer credit reporting agency. You may be charged a reasonable fee not exceeding eight dollars. There is no fee, however, if you have been turned down for credit, employment, insurance, or rental dwelling because of information in your credit report within the preceding sixty days. The consumer credit reporting agency must provide someone to help you interpret the information in your credit file. Each calendar year you are entitled to receive, upon request, one free consumer credit report.

You have a right to dispute inaccurate information by contacting the consumer reporting agency directly, either in writing or by telephone. The consumer reporting agency shall provide, upon request and without unreasonable delay, a live representative of the consumer reporting agency to assist in dispute resolution whenever possible and practicable, or to the extent consistent with federal law. However, neither you nor any credit repair company or credit service organization has the right to have accurate, current, and verifiable information removed from your credit report. In most cases, under state and federal law, the consumer credit reporting agency must remove accurate, negative information from your report only if it is over seven years old, and must remove bankruptcy information only if it is over ten years old.

If you have notified a consumer credit reporting agency in writing that you dispute the accuracy of information in your file, the consumer credit reporting agency must then, within thirty business days, reinvestigate and modify or remove inaccurate information. The consumer credit reporting agency may not charge a fee for this service. Any pertinent information and copies of all documents you have concerning a dispute should be given to the consumer credit reporting agency.

If reinvestigation does not resolve the dispute to your satisfaction, you may send a statement to the consumer credit reporting agency to keep in your file, explaining why you think the record is inaccurate. The consumer credit reporting agency must include your statement about the disputed information in a report it issues about you.

You have a right to receive a record of all inquiries relating to a credit transaction initiated in the six months preceding your request, or two years in the case of a credit report used for employment purposes. This record shall include the recipients of any consumer credit report.

You have the right to opt out of any prescreening lists compiled by or with the assistance of a consumer credit reporting agency by calling the agency's toll-free telephone number or contacting the agency in writing. You may be entitled to collect compensation, in certain circumstances, if you are damaged by a person's negligent or intentional failure to comply with the credit reporting act.

You have a right to request a ''security freeze'' on your consumer report. The security freeze will prohibit a consumer reporting agency from releasing any information in your consumer report without your express authorization. A security freeze shall be requested by sending a request either by certified mail, overnight mail or regular stamped mail to a consumer reporting agency, or as authorized by regulation. The security freeze is designed to prevent credit, loans or services from being approved in your name without your consent. You should be aware that using a security freeze may delay, interfere with, or prevent the timely approval of any subsequent request or application you make regarding new loans, credit, mortgage, insurance, government services or payments, rental housing, employment, investment, license, cellular phone, utilities, digital signature, internet credit card transactions, or other services, including an extension of credit at point of sale.

When you place a security freeze on your consumer report, within 5 business days of receiving your request for a security freeze, the consumer reporting agency shall provide you with a personal identification number or password to use if you choose to remove the freeze on your consumer report or to authorize the release of your consumer report to a specific party or for a specified period of time after the freeze is in place. To provide that authorization, you must contact the consumer reporting agency and provide the following:

(1) the personal identification number or password provided by the consumer reporting agency;

(2) proper identification to verify your identity; and

(3) the third party or parties who are to receive the consumer report or the specified period of time for which the report shall be available to authorized users of the consumer report.

A consumer reporting agency that receives a request from a consumer to lift a freeze on a consumer report shall comply with the request not later than 3 business days after receiving the request.

A security freeze shall not apply to a person or entity, or to its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account, that requests information relative to your consumer report for the purposes of reviewing or collecting the account, if you have previously given consent to the use of your consumer report. ''Reviewing the account'' includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

[Mass Gen. L. c. 93 § 56 (b) (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93/Section56).

-If the transaction involves principal credit in the amount of $50,000 or less [Mass. Gen. L. c. 93 § 52 (b)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93/Section52), CRAs may not report on bankruptcies older than 14 years, suits or judgments older than 7 years, paid tax liens older than 7 years, collections older than 7 years, CORI records older than 7 years, and “any other adverse item” older than 7 years. [Mass. Gen. L. c. 93 § 52 (a) (1)-(6) (2018).](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93/Section52)

-CRAs must follow regulations related to CORI records in reports contained in the Code of Massachusetts Regulations. [803 CMR 11.00 (2017)](https://www.mass.gov/regulations/803-CMR-1100-consumer-reporting-agency-cra).

--Massachusetts Department of Criminal Justice Information Systems has published a [model policy](https://www.mass.gov/files/documents/2017/09/19/Model%20CORI%20Policy_1.pdf) for CRAs when accessing CORI that include a [model CORI Acknowledgment Form](https://www.mass.gov/files/documents/2017/09/19/CRA%20CORI%20acknowledgment%20form_0.pdf).

-CRAs must enter into an agreement with the end-user of the report. [Mass. Gen. L. c. 93 § 60 (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter93/Section60).

-CRAs that conduct 5 or more investigations per year whether CORI is obtained from any source must maintain a CORI information policy that provides the CRA will: 1) notify the application of the potential adverse decision based on CORI; 2) provide a copy of the CORI and the policy to the applicant; and 3) provide the information concerning the process for correcting a criminal record. [Mass. Gen. L. c. 6 § 171A (2018)](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6/Section171A).

Special Forms:

Employers and CRAs must provide a special form ([803 CMR 2.09](https://www.mass.gov/files/documents/2017/09/19/Employment%20and%20licensing%20CORI%20Acknowledgment%20Form_1.pdf)) available at the MA DJIS website (<https://www.mass.gov/files/documents/2017/09/19/CRA%20CORI%20acknowledgment%20form_0.pdf>).

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# Michigan

Subscribers:

**Criminal records:**

-Employers may not inquire about misdemeanor charges of job applicants. [Mich. Comp. Laws. § 37.2205a (1) (2018](http://www.legislature.mi.gov/(S(gn5crkeuvizzd3soiu5z2uqy))/mileg.aspx?page=getObject&objectName=mcl-37-2205a)).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Local governments cannot regulate information that employers request from employees. [Mich. Comp. Laws § 123.1384 (4) (2018)](http://www.legislature.mi.gov/(S(gn5crkeuvizzd3soiu5z2uqy))/mileg.aspx?page=getObject&objectName=mcl-123-1384).

-Employers may not inquire about or demand access to job applicants’ social media accounts. [Mich. Comp. Laws § 37.273 (3) (2018)](http://www.legislature.mi.gov/(S(gn5crkeuvizzd3soiu5z2uqy))/mileg.aspx?page=getObject&objectName=mcl-37-273).

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Minnesota

Subscribers:

**Criminal records:**

-Public employers are prohibited from using criminal record information in connection with an application for public employment where there was arrest but no conviction, expunged or annulled convictions, and misdemeanor convictions without jail. [Minn. Stat. § 364.04 (1)-(3) (2018)](https://www.revisor.mn.gov/statutes/cite/364.04).

-Exceptions:

(a) This chapter does not apply to the licensing process for peace officers; to law enforcement agencies as defined in section 626.84, subdivision 1, paragraph (f); to fire protection agencies; to eligibility for a private detective or protective agent license; to the licensing and background study process under chapters 245A and 245C; to the licensing and background investigation process under chapter 240; to eligibility for school bus driver endorsements; to eligibility for special transportation service endorsements; to eligibility for a commercial driver training instructor license, which is governed by section 171.35 and rules adopted under that section; to emergency medical services personnel, or to the licensing by political subdivisions of taxicab drivers, if the applicant for the license has been discharged from sentence for a conviction within the ten years immediately preceding application of a violation of any of the following:

(1) sections 609.185 to 609.2114, 609.221 to 609.223, 609.342 to 609.3451, or 617.23, subdivision 2 or 3; or Minnesota Statutes 2012, section 609.21;

(2) any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more; or

(3) a violation of chapter 169 or 169A involving driving under the influence, leaving the scene of an accident, or reckless or careless driving.

[Minn. Stat. § 364.09 (a) (2018)](https://www.revisor.mn.gov/statutes/cite/364.09).

-Employers must provide notice to the consumer that criminal record information will be requested from the State Bureau of Criminal Apprehension (as opposed to county records). [Minn. Stat. § 13.87 (3) (f) (2018)](https://www.revisor.mn.gov/statutes/cite/13.87).

**Ban-the-Box:**

-Employers are prohibited from inquiring about applicants’ past criminal convictions until the first interview or a conditional offer of employment is made, unless the position is for law enforcement or where required by other law. [Minn. Stat. § 364.021 (a) and (b) (2018)](https://www.revisor.mn.gov/statutes/cite/364.021).

**Generally:**

-Employers are prohibited from requiring applicants to pay for background check. [Minn. Stat. § 181.645 (2018)](https://www.revisor.mn.gov/statutes/cite/181.645).

CRAs:

-Must disclose that a consumer report is being used for employment purposes where applicable. [Minn. Stat. § 13C.02 (1) (2018)](https://www.revisor.mn.gov/statutes/cite/13C.02).

Special Forms:

-Authorization and Consent Form must have a “box” to indicate the consumer’s request for a copy of the report. [Minn. Stat. § 13C.02 (2) (2018)](https://www.revisor.mn.gov/statutes/cite/13C.02).

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# Mississippi

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Missouri

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Montana

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Employers may not inquire about or demand access to employees or job applicants’ social media accounts. [Mont. Code Ann. § 39-2-307 (1) (2018)](https://leg.mt.gov/bills/mca/39/2/39-2-307.htm).

CRAs:

-CRAs may not report bankruptcies older than 14 years; suits and judgments older than 7 years; paid tax liens older than 7 years; collections older than 7 years; records of arrest, indictment, or conviction older than 7 years; any other adverse item older than 7 years. [Mont. Code Ann. § 3-3-112 (1)-(6) (2018)](https://leg.mt.gov/bills/mca/31/3/31-3-112.htm).

Special Forms:

None beyond FCRA.

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# Nebraska

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

-Public employers, except law enforcement, may not inquire about a criminal record until after a determination is made that an applicant meets the minimum qualification standards, or if required by other law, or where State or federal law automatically disqualifies an applicant based on criminal record information. [Neb. Rev. Stat. § 48-202 (1) (2018)](https://nebraskalegislature.gov/laws/statutes.php?statute=48-202).

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Nevada

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Employers are prohibited from requiring applicants to submit a consumer credit report as a condition of employment. [Nev. Rev. Stat. § 613.570 (1) (2018)](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec570).

-Exceptions include where required by law, belief of specific activity, the information is reasonably related to the position such as handling financial accounts, trade secrets, managers/supervisors, law enforcement, handlers of information of others, personal financial information, financial institutions, licensed gaming establishments. [Nev. Rev. Stat. § 613.580 (1)-(3) (2018)](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec570).

-Employers are prohibited from using sexual offender registry data for employment and other purposes. [Nev. Rev. Stat. § 179B.270 (2018)](https://www.leg.state.nv.us/NRS/NRS-179B.html#NRS179BSec270).

-Employers are prohibited from inquiring about or demanding credentials to employees’ or applicants’ social media accounts. [Nev. Rev. Stat. § 613.135 (1) (2018)](https://www.leg.state.nv.us/NRS/NRS-613.html#NRS613Sec135).

CRAs:

-CRAs must purge bankruptcies older than 10 years and any other civil judgment, criminal proceeding, or other adverse information except criminal conviction older than 7 years. [Nev. Rev. Stat. § 598C.150 (2018)](https://www.leg.state.nv.us/NRS/NRS-598C.html#NRS598CSec110).

-Gaming industry licensees follow FCRA § 605 with a salary cap of $75,000. [Nev. Rev. Stat. § 463.334 (1) (2018)](https://www.leg.state.nv.us/NRS/NRS-463.html#NRS463Sec334).

Special Forms:

None beyond FCRA.

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# New Hampshire

Subscribers:

**Criminal records:**

-Employers may only inquire as to whether an applicant was ever arrested for or convicted of a crime that was not annulled by a court. [N.H. Rev. Stat. Ann. § 651:5 (I) and (II) (2018)](http://www.gencourt.state.nh.us/rsa/html/LXII/651/651-5.htm).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

-Unless the credit transaction involves principal amount over $50,000 or employment salary over $20,000 or life insurance underwriting, CRAs may not report bankruptcies older than 10 years; suits and judgments older than 7 years; paid tax liens older than 7 years; collections older than 7 years; records of arrest, indictment, or conviction older than 7 years; and any other adverse item of information older than 7 years. [N.H. Rev. Stat. Ann. § 359-B:5 (I) (a)-(f) (2018)](http://www.gencourt.state.nh.us/rsa/html/XXXI/359-B/359-B-5.htm).

Special Forms:

None beyond FCRA.

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# New Jersey

Subscribers:

**Criminal records:**

-Employers must provide to consumers a notice of NJ State rights and FCRA rights prior to adverse action. [N.J. Rev. Stat. § 56:11-31 (e) (2018)](http://njlaw.rutgers.edu/collections/njstats/showsect.php?title=56&chapter=11&section=31&actn=getsect).

**Ban-the-Box:**

-Employers are prohibited from inquiring about past criminal convictions until after an interview or conditional offer of employment. [N.J. Rev. Stat. § 34:6B-14 (a)-(c) (2018)](http://njlaw.rutgers.edu/collections/njstats/showsect.php?title=34&chapter=6B&section=14&actn=getsect).

**Generally:**

-Employers may not request an investigative consumer report until and unless it is clearly and accurately disclosed to the consumer that an investigative consumer report commonly includes information regarding the consumer’s character, personal characteristics, mode of living, among other items. [N.J. Rev. Stat. § 56:11-33 (a) (1) (2018)](http://njlaw.rutgers.edu/collections/njstats/showsect.php?title=56&chapter=11&section=33&actn=getsect).

-Employers may not inquire about applicants’ or employees’ social media accounts. [N.J. Rev. Stat. § 34:6B-6 (2018)](http://njlaw.rutgers.edu/collections/njstats/showsect.php?title=34&chapter=6B&section=6&actn=getsect).

-Public employers may not inquire about past salary history unless a conditional offer of employment is made. [N.J. Rev. Stat. § 10:5-12 (r) (2018)](http://njlaw.rutgers.edu/collections/njstats/showoldsect.php?title=10&chapter=5&section=12&added=2018-01-23+11%3A48%3A27&actn=getsect), by [Ex. Ord. 2018-01, Murphy](https://nj.gov/infobank/eo/056murphy/pdf/EO-1.pdf).

CRAs:

-CRAs must provide a copy of an investigative consumer report upon the written request by the consumer. [N.J. Rev. Stat. § 56:11-33 (b) (2018)](http://njlaw.rutgers.edu/collections/njstats/showsect.php?title=56&chapter=11&section=33&actn=getsect).

Special Forms:

-Disclosure to the consumer that a consumer report is being procured for employment purposes must be separate and distinct from the authorization form. [N.J. Rev. Stat. § 56:11-31 (c) (1) (2018)](http://njlaw.rutgers.edu/cgi-bin/njstats/showsect.cgi?title=56&chapter=11&section=31&actn=getsect).

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# New Mexico

Subscribers:

**Criminal records:**

-Arrest records not followed by a conviction are prohibited to be used in employment hiring decisions. [N.M. Stat. § 28-2-3 (B) (2018)](http://public.nmcompcomm.us/nmpublic/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=%7bnmsu%7d$jumplink_q=%5bfield%20folio-destination-name:%2728-2-3%27%5d$jumplink_md=target-id=0-0-0-51969).

**Ban-the-Box:**

-Public employers may not inquire about convictions until the applicant is considered a finalist for the position, except for law enforcement. [N.M. Stat. § 28-2-3 (A) (2018)](http://public.nmcompcomm.us/nmpublic/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=%7bnmsu%7d$jumplink_q=%5bfield%20folio-destination-name:%2728-2-3%27%5d$jumplink_md=target-id=0-0-0-51969).

**Generally:**

-Employers may not inquire about or demand access to job applicants’ social media accounts. [N.M. Stat. § 50-4-34 (A) (2018)](http://public.nmcompcomm.us/nmpublic/gateway.dll?f=jumplink$jumplink_x=Advanced$jumplink_vpc=first$jumplink_xsl=querylink.xsl$jumplink_sel=title;path;content-type;home-title;item-bookmark$jumplink_d=%7bnmsu%7d$jumplink_q=%5bfield%20folio-destination-name:%2750-4-34%27%5d$jumplink_md=target-id=0-0-0-76593).

CRAs:

-CRAs must include the notice at [N.M. Stat. § 56-3A-4 (2018)](http://public.nmcompcomm.us/nmpublic/gateway.dll/nmpublic/stat/ch56/21000/21005?f=templates$fn=document-frameset.htm$q=56-3A-4%20$x=server$3.0#LPHit1) (below).

-CRAs may not report bankruptcies older than 14 years, collections older than 7 years, suits and judgements older than 7 years, paid tax liens older than 7 years, arrests and indictments pending trial or convictions of crimes older than 7 years (or not at all if pardoned or if no conviction resulted), and any other adverse item older than 7 years. [N.M. Stat. § 56-3-6 (A) (1)-(6) (2018)](http://public.nmcompcomm.us/nmpublic/gateway.dll/nmpublic/stat/ch56/20991/20997?f=templates$fn=document-frameset.htm$q=%5bfield%20folio-destination-name:%2756-3-6%27%5d$x=Advanced#0-0-0-84715).

Special Forms:

-In addition to FCRA § 609 Notice, the CRA must also include the following language:

|  |  |
| --- | --- |
| "New Mexico Consumers Have the Right to Obtain a Security Freeze or  Submit a Declaration of Removal |  |

   You may obtain a security freeze on your credit report to protect your privacy and ensure that credit is not granted in your name without your knowledge.  You may submit a declaration of removal to remove information placed in your credit report as a result of being a victim of identity theft.  You have a right to place a security freeze on your credit report or submit a declaration of removal pursuant to the Fair Credit Reporting and Identity Security Act.

   The security freeze will prohibit a consumer reporting agency from releasing any information in your credit report without your express authorization or approval.

   The security freeze is designed to prevent credit, loans and services from being approved in your name without your consent.  When you place a security freeze on your credit report, you will be provided with a personal identification number, password or similar device to use if you choose to remove the freeze on your credit report or to temporarily authorize the release of your credit report to a specific party or parties or for a specific period of time after the freeze is in place.  To remove the freeze or to provide authorization for the temporary release of your credit report, you must contact the consumer reporting agency and provide all of the following:

   (1)   the unique personal identification number, password or similar device provided by the consumer reporting agency;

   (2)   proper identification to verify your identity;

   (3)   information regarding the third party or parties who are to receive the credit report or the period of time for which the credit report may be released to users of the credit report; and

   (4)   payment of a fee, if applicable.

   A consumer reporting agency that receives a request from a consumer to lift temporarily a freeze on a credit report shall comply with the request no later than three business days after receiving the request.  As of September 1, 2008, a consumer reporting agency shall comply with the request within fifteen minutes of receiving the request by a secure electronic method or by telephone.

   A security freeze does not apply in all circumstances, such as where you have an existing account relationship and a copy of your credit report is requested by your existing creditor or its agents for certain types of account review, collection, fraud control or similar activities; for use in setting or adjusting an insurance rate or claim or insurance underwriting; for certain governmental purposes; and for purposes of prescreening as defined in the federal Fair Credit Reporting Act.

   If you are actively seeking a new credit, loan, utility, telephone or insurance account, you should understand that the procedures involved in lifting a security freeze may slow your own applications for credit.  You should plan ahead and lift a freeze, either completely if you are shopping around or specifically for a certain creditor, with enough advance notice before you apply for new credit for the lifting to take effect.  You should contact a consumer reporting agency and request it to lift the freeze at least three business days before applying.  As of September 1, 2008, if you contact a consumer reporting agency by a secure electronic method or by telephone, the consumer reporting agency should lift the freeze within fifteen minutes.  You have a right to bring a civil action against a consumer reporting agency that violates your rights under the Fair Credit Reporting and Identity Security Act.".

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# New York

|  |
| --- |
| *Nota bene:* New York’s Consumer Privacy Act (SB5642) may substantially change the below, <https://www.nysenate.gov/legislation/bills/2019/s5642> |

End-Users:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

-Employers may not inquire or consider job applicants’ arrest records without a conviction, except for matters still pending. [NY Exec. L. § 296 (15)-(16) (2018)](https://codes.findlaw.com/ny/executive-law/exc-sect-296.html).

**Generally:**

-Public agency employers are prohibited from inquiring about past salary history during the hiring process until a conditional offer of employment is made. [Executive Order [Cuomo] No. 161 (2017)](https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/EO_161.pdf).

-Employers are generally prohibited from requiring disclosure of social security numbers (excluding when such number is encrypted). [NY Gen. Bus. L. § 399-ddd (2) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-399-ddd-nr2.html).

Exceptions:

* Consent is obtained to use the number;
* Required by law;
* The number is used for any business function permitted by Gramm Leach Bliley Act (Pub. Law 106-102 (1999));
* Needed to determine whether a person has a criminal record;
* Needed to determine an individual’s identity;
* Among other exceptions. [NY Gen. Bus. L. § 399-ddd (3) (a)-(m) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-399-ddd-nr2.html).

CRAs:

-CRAs have many requirements in order to comply with the NYS Fair Credit Reporting Act (([NY Gen. Bus. L. § 380-k (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-k.html)), including requirements to avoid violations of:

* Permissible dissemination of reports. [NY Gen. Bus. L. § 380-b (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-b.html).
* Prohibited information ([NY Gen. Bus. L. § 380-j (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-j.html)) (below).
* Information regarding a security freeze (with many rules). [NY Gen. Bus. L. § 380-t (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-t.html).
* CRAs must:
  + identify the end-user of the report,
  + certify the purpose for which the report is sought, and
  + certify that the information will be used for no other purpose. [NY Gen. Bus. L. § 380-k (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-k.html).

-CRAs are prohibited from reporting the following information, unless the report is for the purpose of employment and the salary is over $25,000 ([NY Gen. Bus. L. § 380-j (f)(2)(iii) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-j.html)):

* Drug or alcohol addiction if the information is more than 7 years old. [NY Gen. Bus. L. § 380-j (f)(vi) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-j.html).
* Criminal conviction information older than 7 years. [NY Gen. Bus. L. § 380-j (f)(1)(v) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-j.html).
* Bankruptcies older than 14 years. [NY Gen. Bus. L. § 380-j (f)(1)(i) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-j.html).
* Satisfied judgments that are older than 5 years. [NY Gen. Bus. L. § 380-j (f)(iv) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-j.html).
* Paid tax liens older than 7 years, or, if the result of a bulk sale, not older than 30 days. [NY Gen. Bus. L. § 380-j (f)(iii) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-j.html).
* Any polygraph information. [NY Gen. Bus. L. § 380-j (g) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-j.html).
* Theft from a retail establishment. [NY Gen. Bus. L. § 380-j (b) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-j.html).

Special Forms:

For reports containing criminal record information, a special notice [Form](https://www1.nyc.gov/assets/cchr/downloads/pdf/FairChance_Form23-A_distributed.pdf) must be provided by the User to the subject whereby the consumer acknowledges receipt of employment rights regarding a report procured in order to make an offer of employment. [NY Gen. Bus. L. § 380-g (d) (2018)](https://codes.findlaw.com/ny/general-business-law/gbs-sect-380-g.html).

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# North Carolina

Subscribers:

**Criminal records:**

-Employers may not inquire about job applicants’ criminal records that are expunged. [N.C. Gen. Stat. § 15A-153 (c) (2018)](https://www.ncleg.gov/enactedlegislation/statutes/pdf/bysection/chapter_15a/gs_15a-153.pdf).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# North Dakota

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Ohio

Subscribers:

**Criminal records:**

-Criminal conviction information used to make a hiring decision must bear a direct and substantial relationship to the position sought, but may not be based on sealed or expunged records. [Ohio Rev. Code § 2953.33 (B) (1)-(2) (2018)](http://codes.ohio.gov/orc/2953.33).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Oklahoma

Subscribers:

**Criminal records:**

-Employers are prohibited from requiring applicants to disclose criminal record information about expunged or sealed records. [Okla. Stat. tit. 22 § 22-19 (F) (2018)](http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os22.rtf).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Employers cannot require applicants to pay for background checks. [Okla. Stat. tit. 40 § 40-191 (2018)](http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os40.rtf).

-Employers cannot inquire about or demand access to applicant and employee social media accounts. [Okla. Stat. tit. 40 § 40-173.2 (A) (2018)](http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os24.rtf).

CRAs:

None beyond FCRA.

Special Forms:

-Authorization and Consent Form must offer a “box” that indicates the consumer’s desire to obtain a copy of the consumer report and must also advise the consumer of rights under Oklahoma law and FCRA. [Okla. Stat. tit. 24 § 24-148 (A) (2018).](http://webserver1.lsb.state.ok.us/OK_Statutes/CompleteTitles/os24.rtf)

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# Oregon

Subscribers:

**Criminal records:**

-Employers must provide notice that criminal records are being sought in connection with an offer of employment. [Or. Rev. Stat. § 181A.230 (2) (b) (2017)](https://www.oregonlegislature.gov/bills_laws/ors/ors181A.html).

**Ban-the-Box:**

-Employers may not inquire about past criminal convictions at any time prior to an interview, or if there is no interview, employers may not inquire about past criminal convictions until and unless a conditional offer of employment is made, [Or. Rev. Stat. § 659A.360 (1) (2017)](https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html), unless the position is for law enforcement, in criminal justice, or for a non-employee volunteer. [Or Rev. Stat. § 659A.360 (4) (a)-(d) (2017)](https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html).

**Generally:**

-Employers are prohibited from using information in a credit report in order to make hiring decisions. [Or. Rev. Stat. § 659A.320 (1) (2017)](https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html), except if the employer is a federally-insured banking institution, is required to obtain the credit report by other law, law enforcement, if the obtainment is “substantially-related” to the position and the reasons for the use of the credit report are communicated to the applicant. [Or. Rev. Stat. § 659A.320 (2) (a)-(d) (2017)](https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html).

-Employers are prohibited from inquiring about applicants’ past salary history until an offer of employment has been made, but may request from the prospective employee written authorization to confirm prior compensation if the offer of employment includes compensation information. [Or. Rev. Stat. § 659A.357 (2017)](https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html).

-Employers are prohibited from inquiring about or requiring access to employees’ social media accounts. [Or. Rev. Stat. § 659A.330 (1) (2017)](https://www.oregonlegislature.gov/bills_laws/ors/ors659A.html).

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Pennsylvania

Subscribers:

**Criminal records:**

-Employers are prohibited from inquiring about past felony and misdemeanor convictions of job applicants. [18 Pa. Cons. Stat. § 9125 (2) and (3) (2018)](https://www.legis.state.pa.us/CFDOCS/LEGIS/LI/consCheck.cfm?txtType=HTM&ttl=18&div=00.&chpt=091.&sctn=025.&subSctn=000.).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Rhode Island

Subscribers:

**Criminal records:**

-No employer except law enforcement may inquire if an applicant has been arrested. [28 R.I. Gen. Laws § 28-5-7 (7) (2018)](http://webserver.rilin.state.ri.us/Statutes/TITLE28/28-5/28-5-7.HTM).

**Ban-the-Box:**

-Employers may not inquire about prior criminal records unless other law requires it. [28 R.I. Gen. Laws § 28-5-7 (7) (i) (2018)](http://webserver.rilin.state.ri.us/Statutes/TITLE28/28-5/28-5-7.HTM).

**Generally:**

-Employers must notify applicants that a credit report has been ordered. [6 R.I. Gen. Laws § 6-13.1-21 (a) (2018)](http://webserver.rilin.state.ri.us/Statutes/TITLE6/6-13.1/6-13.1-21.HTM).

-Employers may not demand access to or inquire about social media accounts. [28 R.I. Gen. Laws. § 28-56-3 (2018)](http://webserver.rilin.state.ri.us/Statutes/TITLE28/28-56/28-56-3.HTM).

CRAs:

-CRAs must not rely solely on the social security number of a consumer in order to identify the consumer. [6 R.I. Gen. Laws § 6-13.1-29 (2018)](http://webserver.rilin.state.ri.us/Statutes/TITLE6/6-13.1/6-13.1-29.HTM).

Special Forms:

None beyond FCRA.

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# South Carolina

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# South Dakota

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Tennessee

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Employers may not demand access to or inquire about social media accounts of job applicants. [Tenn. Code Ann. § 50-1-1003 (a) (2018)](https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=5430105a-426d-4c06-9df4-7bbe636842d0&config=025054JABlOTJjNmIyNi0wYjI0LTRjZGEtYWE5ZC0zNGFhOWNhMjFlNDgKAFBvZENhdGFsb2cDFQ14bX2GfyBTaI9WcPX5&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A5C9P-5X40-R03M-30DC-00008-00&pddocid=urn%3AcontentItem%3A5C9P-5X40-R03M-30DC-00008-00&pdcontentcomponentid=234179&pdteaserkey=sr2&pditab=allpods&ecomp=kgw7kkk&earg=sr2&prid=cd3e67f0-eb6d-4707-aa7f-8e6bdf2f784e).

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Texas

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Utah

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

-Employers are prohibited from inquiring about or demanding access to social media accounts of job applicants. [Utah Code § 34-48-201 (2018)](https://le.utah.gov/xcode/Title34/Chapter48/34-48-S201.html?v=C34-48-S201_1800010118000101).

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Vermont

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

-Public employers are prohibited from inquiring about criminal records of job applicants until after an applicant is determined to be qualified. [3 App. Vt. Stat. Ann. c. 3 § 67 (2015)](https://legislature.vermont.gov/statutes/section/03APPENDIX/003/00067).

**Generally:**

-Notice must be given to employee-applicants by the employer that contains the reasons why a credit report must be obtained. [Vt. Stat. Ann. c. 21 § 495i (d) (2) (2018)](https://legislature.vermont.gov/statutes/section/21/005/00495i).

-Subjects cannot be required to pay for criminal record information. [Vt. Stat. Ann. c. 20 § 2056c (c) (10) (2018)](https://legislature.vermont.gov/statutes/section/20/117/02056c).

-Employers may not inquire about criminal history on the application form, but are free to inquire about such records provided that the employer gives the applicant an opportunity to explain the information, or if the statute expressly exempts the position. [Vt. Stat. Ann. c. 21 § 495j (a) and (c) (2018)](https://legislature.vermont.gov/statutes/section/21/005/00495j).

-Employers may not require applicants to pay for medical examinations as a condition of employment. [Vt. Stat. Ann. c. 21 § 301 (2018)](https://legislature.vermont.gov/statutes/section/21/005/00301).

-Employers are prohibited from inquiring about past salary history of applicants, but if an applicant voluntarily provides the information, then the employer may verify it. [Vt. Stat. Ann. c. 21 § 495m (a) (1)-(3) (2018)](https://legislature.vermont.gov/statutes/section/21/005/00495m).

-Employers may not inquire about applicants’ social media accounts or require credentials to be supplied as a condition of employment or during employment. [Vt. Stat. Ann. c. 21 § 495l (b) (1)-(4) (2018)](https://legislature.vermont.gov/statutes/section/21/005/00495l).

-Employers are prohibited from denying employment based on an applicant’s credit report ([Vt. Stat. Ann. c. 21 § 495i (b) (1) (2018)](https://legislature.vermont.gov/statutes/section/21/005/00495i)), unless the information in required by other law, the position involves access to confidential financial information, the employer is a financial institution, the position is for law enforcement, the position requires a financial fiduciary duty, the employer can demonstrate that the information is a valid predictor of performance, or the position involves access to employer payroll information. [Vt. Stat. Ann. c. 21 § 495i (c) (1) (A)-(G) (2018)](https://legislature.vermont.gov/statutes/section/21/005/00495i).

-Employers must securely destroy applicant credit information if the applicant is not ultimately hired or the employment is terminated. [Vt. Stat. Ann. c. 21 § 495i (d) (4) (2018)](https://legislature.vermont.gov/statutes/section/21/005/00495i).

CRAs:

-All End-users, not just employers, must obtain the written consent of the consumer before obtaining a consumer credit report for each request of the credit report. There is no continuing authorization allowed to obtain a consumer credit report. [Vt. Stat. Ann. c. 9 § 2480e (a) (1) (2018)](https://legislature.vermont.gov/statutes/section/09/063/02480e).

Special Forms:

None beyond FCRA.

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# Virginia

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

-Employers are prohibited from inquiring about job applicants’ criminal information until after the applicant is determined to be qualified, and even then, no inquiry is allowed about expunged records or charges that have not resulted in a conviction. [Va. Code Ann. § 19.2-392.4 (A) (2018)](https://law.lis.virginia.gov/vacode/19.2-392.4/).

-Public employers are similarly restricted. [Va. Code Ann. § 19.2-392.4 (B) (2018)](https://law.lis.virginia.gov/vacode/19.2-392.4/).

**Generally:**

-Employers are prohibited from inquiring about or demanding access to social media accounts of job applicants. [Va. Code Ann. § 40.1-28.7:5 (B) (2018)](https://law.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-28.7:5/).

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Washington

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

-Employers may not inquire about job applicants’ past criminal convictions at any time prior to the determination that an applicant is qualified for the position, [Rev. Code of Wash. 49.94 (1) (2018)](https://app.leg.wa.gov/RCW/default.aspx?cite=49.94.010), except for financial institutions, non-employee volunteers, law enforcement, or self-regulatory organization. Id at (4).

**Generally:**

-Employers are prohibited from inquiring about or requiring access to applicants’ social media accounts. [Rev. Code of Wash. 49.44.200 (1) (a)-(e) (2018)](https://app.leg.wa.gov/RCW/default.aspx?cite=49.44.200).

CRAs:

-CRAs are prohibited from reporting on bankruptcies older than 10 years, suits and judgments older than 7 years, paid tax liens older than 7 years, collections accounts older than 7 years, arrest and convictions older than 7 years, juvenile records when the subject is an adult, and “any other adverse item of information” older than 7 years, [Rev. Code of Wash. 19.182.040 (1) (a)-(g) (2018)](https://app.leg.wa.gov/RCW/default.aspx?cite=19.182.040), unless the amount of the transaction is over $50,000. Id at (2) (a)-(c).

-CRAs may not report to a credit any information about an applicant’s race, creed, color, national origin, sex, or disability, including the use of a service animal. [Wash. Adm. Code § 162-40-191 (2018)](https://apps.leg.wa.gov/wac/default.aspx?cite=162-40-191).

-There is no time limit on the records that the CRA may keep. [Rev. Code of Wash. 19.182.080 (2018)](https://app.leg.wa.gov/RCW/default.aspx?cite=19.182.080).

-CRA use of a credit report in an employment situation is restricted. [Rev. Code of Wash. 12.182.020 (2) (2018)](https://app.leg.wa.gov/RCW/default.aspx?cite=19.182.020).

Special Forms:

-CRAs must inform a consumer that an investigative consumer report is requested ([Rev. Code of Wash. 19.182.080 (1) (a) (2018)](https://app.leg.wa.gov/RCW/default.aspx?cite=19.182.080)); is mailed within 3 days to the consumer ([id at (i)](https://app.leg.wa.gov/RCW/default.aspx?cite=19.182.050)); and the notice must include the written summary of State rights in addition to FCRA Summary of Rights ([Rev. Code of Wash. 19.182.050 (1) (a) (i)-(ii) (2018)](https://app.leg.wa.gov/RCW/default.aspx?cite=19.182.050)).

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# West Virginia

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Wisconsin

Subscribers:

**Criminal records:**

-No employer except law enforcement may inquire if a job applicant has been arrested. [Wis. Stat. § 111.335 (2) (2018)](http://docs.legis.wisconsin.gov/statutes/statutes/111/II/335).

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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# Wyoming

Subscribers:

**Criminal records:**

None beyond FCRA.

**Ban-the-Box:**

None beyond FCRA.

**Generally:**

None beyond FCRA.

CRAs:

None beyond FCRA.

Special Forms:

None beyond FCRA.

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