

CHAPTER 243

AN ACT concerning certain employment rights of persons with expunged criminal records and amending P.L.2014, c.32.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 4 of P.L.2014, c.32 (C.34:6B-14) is amended to read as follows:

C.34:6B-14 Prohibited actions by employer during initial employment application process.

4. a. Except as otherwise provided in section 6 of P.L.2014, c.32 (C.34:6B-16):

(1) An employer shall not require an applicant for employment to complete any employment application that makes any inquiries regarding an applicant's criminal record, including an expunged criminal record, during the initial employment application process.

(2) An employer shall not make any oral or written inquiry regarding an applicant's criminal record, including an expunged criminal record, or use an online application that requires the disclosure of an applicant's criminal record, including an expunged criminal record, during the initial employment application process.

b. Notwithstanding the provisions of subsection a. of this section, if an applicant discloses any information regarding the applicant's criminal record, by voluntary oral or written disclosure, during the initial employment application process, the employer may make inquiries regarding the applicant's criminal record during the initial employment application process.

c. Nothing set forth in this section shall be construed to prohibit an employer from requiring an applicant for employment to complete an employment application that makes any inquiries regarding an applicant's criminal record after the initial employment application process has concluded or from making any oral or written inquiries regarding an applicant's criminal record after the initial employment application process has concluded. The provisions of this section shall not preclude an employer from refusing to hire an applicant for employment based upon the applicant's criminal record, unless the criminal record or relevant portion thereof has been expunged or erased through executive pardon, provided that such refusal is consistent with other applicable laws, rules and regulations.

2. This act shall take effect immediately.

Approved December 20, 2017.