

HOUSE No. 1193

By Messrs. Lombardi of Cambridge, Dever of Arlington and Mrs. Newman of Cambridge, petition of Michael J. Lombardi, Mary B. Newman and Edward J. Dever, Jr., that employers be prohibited from discriminating against certain persons seeking employment because of failure to furnish information of certain criminal records. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT TO PROHIBIT UNLAWFUL DISCRIMINATION BY THE USE OF CERTAIN CRIMINAL RECORDS AGAINST PERSONS SEEKING EMPLOYMENT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 4 of chapter 151B of the General Laws is hereby
2 amended by inserting after subsection 8, inserted by section
3 213 of the acts of 1965, the following subsection:—

4 9. For an employer, himself, or through his agent, to refuse
5 to hire or to employ, or to bar or to discharge, from employ-
6 ment any individual who shall fail to furnish information of
7 his arrest or conviction for breach or violation of the laws of
8 this or any other state or nation, or the ordinances or by-laws
9 of any city or town, in any case wherein such arrest or convic-
10 tion was for a misdemeanor, except one involving narcotic
11 drugs as set forth in section one hundred and ninety-seven to
12 two hundred and seventeen E, inclusive, of chapter ninety-
13 four or one involving sexual offenses as set forth in section
14 four B of chapter one hundred and forty-seven, and wherein
15 the penalty imposed did not result in imprisonment, provided
16 such arrest or conviction occurred more than seven years
17 previous. Application forms for employment which contain

18 inquiry as to police records of the applicant shall include a
19 statement that no information concerning any arrest or
20 misdemeanor except one involving narcotic drugs as set forth
21 in section one hundred and ninety-seven to two hundred and
22 seventeen E, inclusive, of chapter ninety-four or one involv-
23 ing sexual offenses as set forth in section four B of chapter
24 one hundred and forty-seven, which occurred more than
25 seven years prior to date of application, unless such arrest or
26 misdemeanor resulted in imprisonment, need be made avail-
27 able to employer.