

Introduced: 2/4/75  
Referred: Commerce

1 IN THE SENATE

BY MILLER AND CROFT

2 SENATE BILL NO. 123

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the employment and licensing of  
7 persons with prior criminal convictions; and providing  
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 \* Section 1. AS 18.80.200 is amended to read:

11 Sec. 18.80.200. PURPOSE. (a) It is determined and declared as  
12 a matter of legislative finding that discrimination against an inhabi-  
13 tant of the state because of race, religion, color, national origin,  
14 age, [OR] sex or prior criminal conviction is a matter of public concern  
15 and that such discrimination not only threatens the rights and  
16 privileges of the inhabitants of the state but also menaces the insti-  
17 tutions of the state and threatens peace, order, health, safety and  
18 general welfare of the state and its inhabitants.

19 (b) Therefore, it is the policy of the state and the purpose of  
20 this chapter to eliminate and prevent discrimination in employment, in  
21 places of public accommodation, in housing accommodations and in the  
22 sale or lease of unimproved property because of race, religion, color,  
23 national origin, or, in the case of employment, because of sex, [OR]  
24 age or prior criminal conviction.

25 \* Sec. 2. AS 18.80.220(a) is amended to read:

26 (a) It is unlawful for

27 (1) an employer to refuse employment to a person, or to bar  
28 him from employment, or to discriminate against him in compensation or  
29 in a term, condition, or privilege of employment because of his race,

1 religion, color or national origin, or because of his age, physical  
2 handicap or sex when the reasonable demands of the position do not  
3 require age, physical handicap or sex distinction or because of prior  
4 conviction of a crime unless that crime directly relates to the per-  
5 son's possible performance in that position;

6 (2) a labor organization, because of a person's sex, age,  
7 race, religion, prior criminal conviction, color or national origin, to  
8 exclude or to expel him from its membership, or to discriminate in any  
9 way against one of its members or an employer or an employee;

10 (3) an employer or employment agency to print or circulate  
11 or cause to be printed or circulated a statement, advertisement, or  
12 publication, or to use a form of application for employment or to make  
13 an inquiry in connection with prospective employment, which expresses,  
14 directly or indirectly, a limitation, specification or discrimination  
15 as to sex, age, prior criminal conviction, race, creed, color or national  
16 origin, or an intent to make the limitation, unless based upon a bona  
17 fide occupational qualification;

18 (4) an employer, labor organization or employment agency to  
19 discharge, expel or otherwise discriminate against a person because he  
20 has opposed any practices forbidden under secs. 200 - 280 of this  
21 chapter or because he has filed a complaint, testified or assisted in  
22 a proceeding ~~under this chapter~~;

23 (5) an employer to discriminate in the payment of wages as  
24 between the sexes, or to employ a female in an occupation in this state  
25 at a salary or wage rate less than that paid to a male employee for work  
26 of comparable character or work in the same operation, business or type  
27 of work in the same locality; or

28 (6) a person to print, publish, broadcast or otherwise  
29 circulate a statement, inquiry or advertisement in connection with

1 prospective employment which expresses directly, a limitation, specifi-  
2 cation or discrimination as to sex, age, race, religion, prior criminal  
3 conviction, color or national origin, unless based upon a bona fide  
4 occupational qualification.

5 \* Sec. 3. AS 18.80.255 is amended by adding new paragraphs to read:

6 (3) to use or distribute in connection with an application  
7 for employment or for a permit, license, registration or certificate  
8 which is required by the state in order to engage in an occupation,  
9 trade, vocation, profession or business

10 (A) records of arrest not followed by a valid con-  
11 viction;

12 (B) convictions which have been annulled or expunged;

13 (C) convictions of a penal offense for which no jail  
14 sentence may be imposed;

15 (4) to disqualify any person from employment by the state or  
16 any of its political subdivisions, or from practicing, pursuing, or  
17 engaging in any occupation, trade, vocation, profession, or business for  
18 which a permit, license, registration, or certificate is required by  
19 the state or any of its political subdivisions or agencies, solely by  
20 reason of a prior conviction of a crime unless

21 (A) that crime directly relates

22 (i) to the applicant's possible performance in the  
23 job applied for, or

24 (ii) to the employee's possible performance in the  
25 job which he holds, or

26 (iii) to the applicant's or holder's possible  
27 performance in the occupation, trade, vocation, profession, or  
28 business for which a permit, license, registration, or certificate  
29 is applied for or held; and

1 (B) the agency conducts an investigation and concludes  
2 on the basis of the investigation that the person so convicted has  
3 not been sufficiently rehabilitated to warrant the public trust;  
4 discharge from probation or parole supervision, or a period of two  
5 years after final discharge or release from any term of imprison-  
6 ment, without subsequent criminal conviction, is rebuttable prima  
7 facie evidence of sufficient rehabilitation.

8 \* Sec. 4. AS 23.10.192 is amended to read:

9 Sec. 23.10.192. DISCRIMINATION PROHIBITED. Discrimination in the  
10 employment of a person because of race, religion, color, national  
11 origin, [OR] age or prior criminal conviction is prohibited as set out  
12 in AS 18.80.220.

13 \* Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-  
14 070(c).