

SENATE BILL No. 761

September 20, 2005, Introduced by Senators BERNERO, TOY, OLSHOVE, GEORGE, SCOTT, PRUSI, GOSCHKA, BARCIA, JACOBS, LELAND, SCHAUER and CLARKE and referred to the Committee on Commerce and Labor.

A bill to amend 1996 PA 90, entitled

"An act to limit the liability of employers under certain circumstances,"

(MCL 423.451 to 423.452) by adding section 3.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3. (1) AN EMPLOYER OR FORMER EMPLOYER OF AN INDIVIDUAL
2 MAY DISCLOSE THAT THE INDIVIDUAL WAS CONVICTED OF A FELONY, IF ALL
3 OF THE FOLLOWING CIRCUMSTANCES EXIST:

4 (A) THE EMPLOYER HAS A COPY OF A RECORD FROM A LAW ENFORCEMENT
5 AGENCY OR A CERTIFIED COPY OF A FINAL JUDGMENT VERIFYING THE FELONY
6 CONVICTION.

7 (B) THE EMPLOYER DISCLOSES THE FELONY CONVICTION TO A
8 PROSPECTIVE EMPLOYER OR SUBSEQUENT EMPLOYER OF THE INDIVIDUAL.

9 (C) THE FELONY CONVICTION IS A LEGAL DISQUALIFICATION FOR THE

1 POSITION AT ISSUE.

2 (2) AN EMPLOYER WHO DISCLOSES INFORMATION IN CONFORMITY WITH

3 THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR THE DISCLOSURE.