

THE SURETY & FIDELITY ASSOCIATION OF AMERICA

MEMORANDUM

TO: Government Affairs Advisory Committee

FROM: Daniel Wanke

RE: Fidelity Bond Legislation

DATE: April 8, 2016

There are 32 states and the District of Columbia in session. In all states except New Jersey and Virginia, the 2016 sessions are the second year of a two-year session. Florida, Georgia, Idaho, Indiana, Oregon, South Dakota, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming have adjourned for 2016 since the last report. Alaska, Arizona, Iowa Kentucky, Maine, Maryland, Mississippi, Nebraska, and Tennessee are projected to adjourn in April. The following report compiles and summarizes the fidelity bond legislation that SFAA is tracking as of April 1, 2016. For additional information on how SFAA is addressing these bills, as necessary, with the AIA, the local surety associations and other interested parties, please visit the Government Relations page of the SFAA website at www.surety.org.

| Jurisdiction | Bill(s) | Recent History | Issue | SFAA Summary |
|---------------------|-------------------|---|---------------------------------|---|
| AL | SB 327/ HB 412 | 03/08/2016 SB 327/HB 412 have been introduced. | Fidelity Bond—Ban the Box | SB 327/HB 412 would prohibit an employer, hiring authority, or licensing agency from inquiring about an applicant’s criminal conviction history until a conditional job offer has been made or the applicant otherwise qualifies for the license. The bill would make an exception to this if the position requires the applicant to obtain a fidelity bond in connection with the job and the conviction of one or more criminal offenses would disqualify the applicant from obtaining the bond. (03/24) |
| CO | HB 1388 | 03/16/2016 HB 1388 has been introduced. | Fidelity Bond—Ban the Box | HB 1388 would prohibit employers from stating in an advertisement or application that persons with a criminal history may not apply, or inquiring about or requiring disclosure of a job applicant’s criminal history until the first interview or if there is a conditional offer of employment. Among the exceptions to this, the employer could inquire about the applicant’s criminal history if the position requires the applicant to obtain a fidelity bond or equivalent bond and a conviction would disqualify him or her from obtaining it. (03/31) |

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| CT | HB 5237 | 03/24/2016 HB 5237 has been reported from the Legislative Commissioner's Office | Fidelity Bond—Ban the Box | HB 5237 would prohibit an employer or its agent, representative or designee from requiring an employee or prospective employee to complete employment application forms that contain a question on the person's criminal history until a conditional offer of employment has been made. The bill also would revise existing law so that an applicant could not be denied employment nor could existing employees be discharged solely for an arrest, criminal charge or conviction for a misdemeanor that occurred more than five or felony that occurred more than ten years ago, unless they specifically disqualified by law for the job. (04/02) |
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