

Colorado Criminal Law Blog

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HB 1023 – A Step in the Right Direction

HB 1023 has received little, if any, media attention – but its contents are worth nothing. This bill, signed into law today by Governor Ritter, prohibits an employee’s criminal history from being part of a lawsuit against a business unless that criminal history has direct applicability to the legal action. The idea behind the bill is to facilitate the often difficult task a felon faces when searching for a job, even if his criminal history is decades behind him.

Prior to this bill being passed, felons in Colorado certainly stood at an often undeserved disadvantage when seeking employment – potential employers had concerns with the potential “liability” the felon applicant had if he became an employee. This concern was not entirely unwarranted given the former state of the law; prior to HB 1023’s passage, if Joe the Former Felon was hired to do X, and (supposedly) commits unrelated criminal act Y, alleged victim could sue employer.

Now, it works a bit differently – and more equitably. The employee’s criminal history can’t come into a civil action if his criminal history is unrelated to the facts of the case, or if he was never convicted, he had his record sealed, or he was pardoned.

Hopefully this bill does work as intended and drives more employers to consider these applicants on their merits.



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