



State Specific Consumer Reporting Requirements

Alaska- Statute AS 12.62.160 (b) (8) states that criminal justice information may not be released if the information is non-conviction information or correctional treatment information. So in essence, it violates Alaska FCRA to provide arrest records, differed adjudication records or any non-conviction data.

California – Statute 1785.13.6 states that records of arrest, indictment, information, misdemeanor complaint or conviction of a crime that from the date of disposition, release, or parole antedate the report by more than 7 years cannot be reported.

Colorado – Statute CRS 12-14-.3-105.3 (1)(e) states that a CRA cannot make a consumer report that contains any of the following items of information: records of arrest, indictment, information, misdemeanor complaint or conviction of a crime that from the date of disposition, release, or parole antedate the report by more than 7 years.

Exception: if the salary of an individual equals or is reasonably expected to equal \$75,000.00 or more, the 7 year restriction does not apply.

Hawaii – HI Revised Statutes 2003 SS 378-2.5 (a) (b) Subject to subsection (b) an employer may inquire about and consider an individual's criminal conviction record concerning hiring, termination, or the terms, conditions, privileges, of employment; provided that the conviction bears a rational relationship to the duties and responsibilities of the position. (b) Inquiry into and consideration of conviction records for prospective employee shall take place only after the prospective employee has received a conditional offer of employment which may be withdrawn if the prospective employee has a conviction records that bears a rational relationship to the duties and responsibilities of the position.

Kansas – Statute KS Chapter 50 Article 7 states that a CRA cannot make a consumer report that contains any of the following items of information: records of arrest, indictment, information, misdemeanor complaint or conviction of a crime that from the date of disposition, release, or parole antedate the report by more than 7 years.

Exception: if the salary of an individual equals or is reasonably expected to equal \$75,000.00 or more, the 7 year restriction does not apply.

Kentucky – KRS Chapter 367.00 SS310 states that no CRA shall maintain any information in its files relating to any charge in a criminal case in any court of the Commonwealth, unless the charge has resulted in a conviction.

Maryland - Code of Maryland SS14-203 (5) states that a CRA cannot make a consumer report that contains any of the following items of information: records of arrest, indictment, information, misdemeanor complaint or conviction of a crime that from the date of disposition, release, or parole antedate the report by more than 7 years.

Exception: if the salary of an individual equals or is reasonably expected to equal \$20,000.00 or more, the 7 year restriction does not apply.



Massachusetts – M.G.L. Chapter 93 Section 52 states that a CRA cannot make a consumer report that contains any of the following items of information: records of arrest, indictment, information, misdemeanor complaint or conviction of a crime that from the date of disposition, release, or parole antedate the report by more than 7 years.

Exception: if the salary of an individual equals or is reasonably expected to equal \$20,000.00 or more, the 7 year restriction does not apply.

Massachusetts - M.G.L Chapter 151 Section 4 (9) states that it shall be unlawful practice: For an employer, himself or through his agent (CRA) in connection with an application for employment, or the terms, conditions, or privileges of employment or the transfer , promotion, bonding, or discharge of any person, or in any other matter relating to the employment of any person , to request any information, to make or keep a record of such information, to use any form or application or application blank which requests such information, or to exclude, limit or otherwise discriminate against any person by reason of his or her failure to furnish such information through a written application or oral inquiry or otherwise regarding : (i) an arrest, detention, or disposition regarding any violation of the law in which no conviction resulted, or (ii) an arrest, first conviction for any of the following misdemeanors: drunkenness, simple assault, speeding, minor traffic violation, affray, or disturbance of the peace, or (iii) any conviction of a misdemeanor where the date of such conviction of the completion of any period of incarceration resulting there from, whichever date is later, occurred five or more years prior to the date of such application for employment or such request for information, unless such person has been conviction of any offense within five years immediately preceding the date of such application for employment of such request for information.

Michigan – Michigan Compiled Laws Act 453 of 1976 37.2205a (1) An employer, employment agency, or labor organization, other than a law enforcement agency of Michigan, or a political subdivision of Michigan, shall not in connection with the terms, conditions, or privileges of employment or membership request, make or maintain a record of information regarding a misdemeanor arrest, detention, or disposition where a conviction did not result. This section does not apply to information relative to a felony charge before conviction or dismissal.

Minnesota – Minnesota Statutes 2003 13.02 subdivision 2 states that the disclosure required under subdivision 1 must be in writing and must be provided to the consumer before the consumer report is obtained or caused to be prepared. If a written application is provided for employment purposes by an employer or prospective employer, the disclosure must be included in or accompany the application. The disclosure must include a box that he person may check off and return to receive a copy of the consumer report. If the consumer requests a copy of the report, the person requesting the report shall request the person preparing the report to provide a copy to the consumer. The report must be sent to the consumer by the person preparing the report within 24 hours of providing it to the person requesting the report.



Montana – Montana Code Annotated 20013 31-3-112 states that a CRA cannot make a consumer report that contains any of the following items of information: records of arrest, indictment, information, misdemeanor complaint or conviction of a crime that from the date of disposition, release, or parole antedate the report by more than 7 years; or other adverse item of information which antedates the report by more than 7 years.

Nevada – Nevada Revised Statutes 598C.150 (2) states that a CRA shall periodically purge from its files and after purging shall not disclose: Except as otherwise provided by a specific statute, any other civil judgment, a report of criminal proceedings, or other adverse information which precedes the report by more than 7 years.

New Hampshire – HRS 359-B:5 states that a CRA cannot make a consumer report that contains any of the following items of information: records of arrest, indictment, information, misdemeanor complaint or conviction of a crime that from the date of disposition, release, or parole antedate the report by more than 7 years; or other adverse item of information which antedates the report by more than 7 years.

Exception: if the salary of an individual equals or is reasonably expected to equal \$20,000.00 or more, the 7 year restriction does not apply.

New Mexico – New Mexico Statute 56-3-6 states that a CRA cannot report any of the following matters after a period of 7 years: arrests and indictments pending trial, or convictions of crimes, or after a conviction when a full pardon has been granted, or after an arrest or indictment where a conviction did not result.

New York – New York State Consolidated Laws Article 25 Section 380-j states that no CRA shall report or maintain in the file on a consumer, information: relative to an arrest or a criminal charge unless there has been a criminal conviction for such offense, or unless such charges are still pending. Nor can a CRA make any consumer report containing any of the following items of information: records of conviction of crime which, from date of disposition, release, or parole, antedate the report by more than 7 years.

Oklahoma – Oklahoma House Bill 2492 states that prior to requesting a consumer report for employment purposes, the requestor or user of the consumer report shall provide written notice to the person who is the subject of the consumer report. The notice shall inform the consumer that a consumer report will be used and the notice shall contain a box that the consumer may check to receive a copy of the report, the user of the consumer report shall request that a copy be provided to the consumer when the user of the consumer report requests its copy for the CRA. The report sent to the consumer shall be provided at no charge to the consumer.



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Texas – Business & Commerce Code – Chapter 20 SS 20.05 states that no CRA make may a consumer report containing any of the following items of information: records of arrest, indictment, information, misdemeanor complaint or conviction of a crime that from the date of disposition, release, or parole antedate the report by more than 7 years; or other adverse item of information which antedates the report by more than 7 years.

Exception: if the salary of an individual equals or is reasonably expected to equal \$75,000.00 or more, the 7 year restriction does not apply.

Washington – RCW 19.182.040 states that no CRA make may a consumer report containing any of the following items of information: records of arrest, indictment, information, misdemeanor complaint or conviction of a crime that from the date of disposition, release, or parole antedate the report by more than 7 years; or other adverse item of information which antedates the report by more than 7 years.

Exception: if the salary of an individual equals or is reasonably expected to equal \$20,000.00 or more, the 7 year restriction does not apply.