

2020 -- H 7916

LC004923

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - PROCEDURES GENERALLY

Introduced By: Representative Stephen R. Ucci

Date Introduced: February 26, 2020

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 9-1 of the General Laws entitled "Causes of Action" is hereby  
2 amended by adding thereto the following section:

3 **9-1-55. Negligent hiring claims.**

4 (a) In a civil action for negligent hiring, an employer that completed a reasonable  
5 background investigation prior to hiring the employee who allegedly caused the harm at issue will  
6 be presumed not to be negligent in hiring that employee if the background investigation did not  
7 demonstrate that the employee was unsuitable for the particular employment.

8 (b) A reasonable background investigation must include:

9 (1) Conducting an investigation into the prospective employee's criminal background to  
10 the extent required by state law;

11 (2) Requiring the prospective employee to fill out a detailed employment application that  
12 includes the following:

13 (i) Requesting the names of the prospective employee's previous employers and dates of  
14 prior employment;

15 (ii) Making a reasonable effort to contact the prospective employee's references and former  
16 employers concerning the prospective employee's suitability for the particular employment and the  
17 accuracy of the information on the employment application;

18 (iii) Requesting a detailed history of the prospective employee's criminal convictions,  
19 including the type of crime, the date of conviction, and the penalty imposed as allowed by § 28-

1 [6.14-1.](#)

2 [\(c\) Information regarding the criminal history of a current or former employee may not be](#)  
3 [introduced as evidence in a civil action against an employer or its employees or agents that is based](#)  
4 [on the conduct of the employee or former employee if:](#)

5 [\(1\) The nature of the criminal history does not bear a direct relationship to the facts](#)  
6 [underlying the cause of action; or](#)

7 [\(2\) Before the occurrence of the act giving rise to the civil action, a court order sealed any](#)  
8 [record of the criminal case or the employee or former employee received a pardon; or](#)

9 [\(3\) The record is of an arrest or charge that did not result in a criminal conviction; or](#)

10 [\(4\) The employee or former employee received a deferred judgment at sentence and the](#)  
11 [deferred judgment was not revoked.](#)

12 SECTION 2. This act shall take on July 1, 2020.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would provide an employer that completed a reasonable background investigation  
2 of an employee prior to hiring with a presumption that the employer was not negligent in hiring  
3 that employee.

4           This act would take effect on July 1, 2020.

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