

FIRST REGULAR SESSION

# HOUSE BILL NO. 720

102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RILEY.

1612H.011

DANA RADEMAN MILLER, Chief Clerk

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## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to the liability of employers for negligent hiring.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.580, to read as follows:

**537.580. 1. This section shall be known and may be cited as the "Civil Liability for Employers Hiring Ex-Offenders Act".**

**2. A cause of action shall not be brought against an employer, general contractor, premises owner, or other third party for hiring an employee or independent contractor who has been convicted of an offense unless such employee or independent contractor has been convicted of an offense contained in section 565.021, 565.023, 565.024, 565.027, 565.050, 565.052, 565.054, 565.072, 565.073, 565.074, 565.090, 565.110, 565.115, 565.120, 565.153, 565.156, 565.225, 565.300, 566.030, 566.031, 566.032, 566.034, 566.060, 566.061, 566.062, 566.064, 566.067, 566.068, 566.069, 566.071, 566.083, 566.086, 566.100, 566.101, 566.103, 566.111, 566.115, 566.145, 566.151, 566.153, 566.203, 566.206, 566.209, 566.210, 566.211, 566.215, 568.030, 568.045, 568.060, 568.065, 568.175, 569.040, 569.160, 570.023, 570.025, 570.030 when punished as a class A, B, or C felony, 570.145 when punished as a class A or B felony, 570.223 when punished as a class B or C felony, 571.020, 571.030, 571.070, 573.023, 573.025, 573.035, 573.037, 573.200, 573.205, 574.070, 574.080, 574.115, 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when punished as a class A felony, 575.210, 575.230 when punished as a class B felony, 575.240 when punished as a class B**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 felony, 576.070, 576.080, 577.010, 577.013, 577.078, 577.703, 577.706, 579.065, or 579.068  
18 when punished as a class A or B felony.

19       **3. In an action for negligent hiring against an employer, general contractor,**  
20 **premises owner, or other third party for acts of an employee or independent contractor**  
21 **that is based on a theory of liability other than that described in subsection 2 of this**  
22 **section, the fact that the employee or independent contractor was convicted of a**  
23 **nonviolent, nonsexual offense before the employee or independent contractor's**  
24 **employment or contractual obligation with the employer, general contractor, premises**  
25 **owner, or other third party shall be inadmissible as evidence.**

26       **4. The provisions of this section shall not preclude any existing cause of action**  
27 **for failure of an employer to provide adequate supervision of an employee or**  
28 **independent contractor, except that the fact the employee or independent contractor has**  
29 **been convicted of a nonviolent, nonsexual offense shall be admissible as evidence in such**  
30 **action only if the employer:**

31       **(1) Knew of the conviction or was grossly negligent in the failure to know of the**  
32 **conviction; and**

33       **(2) The conviction was directly related to the nature of the employee's or**  
34 **independent contractor's work and the conduct that gave rise to the alleged injury that**  
35 **is the basis of the action.**

36       **5. The protections in this section provided to an employer, general contractor,**  
37 **premises owner, or third party do not apply in an action concerning:**

38       **(1) The misuse of funds or property of a person other than the employer, general**  
39 **contractor, premises owner, or third party by an employee or independent contractor if,**  
40 **on the date the employee or independent contractor was hired, the employee or**  
41 **independent contractor had been convicted of an offense that includes fraud or the**  
42 **misuse of funds or property as an element of the offense and it was foreseeable that the**  
43 **position for which the employee or independent contractor was hired would involve**  
44 **discharging a fiduciary responsibility in the management of the funds or property;**

45       **(2) The misappropriation of funds by an employee or independent contractor if**  
46 **the employee or independent contractor was hired as an attorney and, on the date the**  
47 **employee or independent contractor was hired, the employee or independent contractor**  
48 **had been convicted of an offense that includes fraud or the misuse of funds or property**  
49 **as an element of the offense; or**

50       **(3) A violent offense or an improper use of excessive force by an employee or**  
51 **independent contractor if the employee or independent contractor was hired to serve as**  
52 **a law enforcement officer or security guard.**

53           **6. The provisions of this section shall not be interpreted as implying a cause of**  
54 **action exists for negligent hiring of an individual convicted of an offense in situations not**  
55 **covered by this section.**

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