

State FCRA Rulings

- Alabama** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.
- Alaska** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

AS 12.62.160 (b) (8) Release and Use of Criminal Justice Information
Subject to the requirements of this section, and except as otherwise limited or prohibited by other provision of law or court rule, criminal justice information may be provided to a person for any purpose, except that information may not be released if the information is nonconviction information or correctional treatment information.
- Arizona** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.
- Arkansas** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.
- California** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state rulings:

CA Civil Code (Consumer Credit Reporting Agencies Act) 1785.13.6 – Conviction
No consumer credit reporting agency shall make any consumer credit report containing any of the following items of information (6) 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 seven years. These items of information shall no longer be reported if at any time it is learned that in the case of a conviction a full pardon has been granted, or in the case of an arrest, indictment, information or misdemeanor complaint a conviction did not result.

CA Civil Code (Consumer Credit Reporting Agencies Act) 1785.20.5. – Disclosure – Copy of Report
Prior to requesting a consumer credit report for employment purposes, the user of the report shall provide written notice to the person involved. The notice shall inform the person that a report will be used and the source of the report, and shall contain a box that the person may check off to receive a copy of the credit report. If the consumer indicates that he or she wishes to receive a copy of the report, the user shall request that a copy be provided to the person when the user requests its copy from the credit reporting agency. The report to the user and to the subject person shall be provided contemporaneously and at no charge to the subject person.

CA Civil Code (Investigative Consumer Reporting Agencies Act) 1786 et seq.
Under the federal Fair Credit Reporting Act (FCRA), most of the background screening reports we provide are considered “consumer” reports, while under the California Investigative Consumer Reporting Agencies Act (ICRA), Cal. Civil Code 1786 et seq., they are classified as *investigative* consumer reports. It should be noted these requirements are placed only on California employers who hire California residents to work in the state of California.

CA Civil Code (Investigative Consumer Reporting Agencies Act) 1786.18 (a) (7) – Conviction Records

Except as authorized under subdivision (b), no investigative consumer reporting agency shall make or furnish any investigative consumer report containing any of the following items of information (7) 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 seven years. These items of information shall no longer be reported if at any time it is learned that, in the case of a conviction, a full pardon has been granted or, in the case of an arrest, indictment, information, or misdemeanor complaint, a conviction did not result; except that record of arrest, indictment, information, or misdemeanor complaints may be reported pending pronouncement of judgment on the particular subject matter of those records.

Colorado Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

CRS 12-14-3-105.3 (1)(e) – Reporting of information prohibited

No consumer reporting agency shall make any consumer report containing any of the following items of information: (e) Records of arrest, indictment or conviction of a crime that, from the date of disposition, release, or parole, predate the report by more than seven years. Exception: If the salary of an individual equals or is reasonable expected to equal \$75,000 or more, the 7-year restriction does not apply.

Connecticut Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Delaware Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

DC Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Florida Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Georgia Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

GA Code 35-3-34 (3) (b) – Georgia Crime Information Center Records

In the event that an employment decision is made adverse to a person whose record was obtained pursuant to this Code section, the person will be informed by the business or person making the adverse employment decision of all information pertinent to that decision. This disclosure shall include information that a record was obtained from the center, the specific contents of the record, and the effect the record had upon the decision. Failure to provide all such information to the person subject to the adverse decision shall be a misdemeanor.

Hawaii Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

HI Revised Statutes 2003 §378-2.5 (a) (b) – Employer inquiries into conviction records

Subject to subsection (b), an employer may inquire about and consider an individual's criminal conviction record concerning hiring, termination, or the terms, conditions, or privileges of employment; provided that the conviction record bears a rational relationship to the duties and responsibilities of the position. (b) Inquiry into and consideration of conviction records for prospective employees 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 record that bears a rational relationship to the duties and responsibilities of the position.

Idaho Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Illinois Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

(20 ILCS 2635/7 (A) (1) (2) (from ch. 38, par. 1607) – Illinois Uniform Conviction Information Act

The following provisions shall apply to requests submitted pursuant to this Act for employment or licensing purposes or submitted to comply with the provisions of subsection (B) of this Section: (1) A requester shall, in the form and manner prescribed by the Department (Illinois Department of State Police), submit a request to the Department, and maintain on file for at least 2 years a release signed by the individual to whom the information request pertains. The Department shall furnish the requester with a copy of its response. (2) Each requester of conviction information furnished by the Department shall provide the individual named in the request with a copy of the response furnished by the Department. Within 7 working days of receipt of such copy, the individual shall have the obligation and responsibility to notify the requester if the information is inaccurate or incomplete.

Indiana Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Iowa Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Kansas Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

KS Chapter 50 Article 7 – Fair Credit Reporting - Obsolete Information

Except as authorized under subsection (b) of this section, no consumer reporting agency may make any consumer report containing any of the following items of information: (5) records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven (7) years. Exception: If the salary of an individual equals or is reasonable expected to equal \$75,000 or more, the 7-year restriction does not apply.

Kentucky Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

KRS Chapter 367.00 §310 – Consumer reporting agency records restriction

No consumer reporting agency shall maintain any information in its files relating to any charge in a criminal case, in any court of this Commonwealth, unless the charge has resulted in a conviction.

Louisiana Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Maine Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Maryland Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

Code of Maryland §14-203 (5) - Reporting of obsolete information prohibited
Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.
Exception: If the salary of an individual equals or is reasonable expected to equal \$20,000 or more, the 7-year restriction does not apply.

Massachusetts Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state rulings:

M.G.L. Chapter 93, Section 52 – Information not to be contained in report; exceptions

Except as authorized under subsection (b) no consumer reporting agency shall make any consumer report containing any of the following items of information:
(5) Records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.
Exception: If the salary of an individual equals or is reasonable expected to equal \$20,000 or more, the 7-year restriction does not apply.

M.G.L. Chapter 151, Section 4 (9) – Unlawful practices

It shall be unlawful practice: (9) For an employer, himself or through his agent, 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 of 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 law in which no conviction resulted, or (ii) and 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 or 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 convicted of any offense within five years immediately preceding the date of such application for employment or such request for information.

Michigan Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

Michigan Compiled Laws Act 453 of 1976 37.2205a (1) – Convictions

An employer, employment agency, or labor organization, other than a law enforcement agency of this state or a political subdivision of this state, 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. A person is not guilty of perjury or otherwise for giving a false statement by failing to recite or acknowledge information the person has a civil right to withhold by this section. This section does not apply to information relative to a felony charge before conviction or dismissal.

Minnesota Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

Minnesota Statutes 2003 13.02 subdivision 2 – Form; copy

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 the 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.

Mississippi Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Missouri Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Montana Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

Montana Code Annotated 2003 31-3-112 – Obsolete information

No consumer reporting agency may make any consumer report containing any of the following items of information: (5) records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than 7 years; (6) any other adverse item of information which antedates the report by more than 7 years.

Nebraska Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Nevada Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

Nevada Revised Statutes 598C.150 (2) – Purging of information from files of Reporting agency; disclosure of purged information.

A reporting agency shall periodically purge from its files and after purging shall not disclose: (2) 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** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:
- HRS 359-B:5 - Obsolete Information
Except as authorized under paragraph II, no consumer reporting agency may make any consumer report containing any of the following items of information:
(e) Records of arrest, indictment, or conviction of crime which from date of disposition, release, or parole, antedate the report by more than 7 years.
Exception: If the salary of an individual equals or is reasonable expected to equal \$20,000 or more, the 7-year restriction does not apply.
- New Jersey** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.
- New Mexico** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:
- New Mexico Statute 56-3-6 – Report information; limitations
A credit bureau may report the following matters for no longer than the specified periods: (5) arrests and indictments pending trial, or convictions of crimes for not longer than seven years from date of release or parole. Such items shall no longer be reported if at any time it learned that after a conviction a full parson has been granted, or after an arrest or indictment a conviction did not result; and (6) any other data not otherwise specified in this section, for not longer than seven years.
- New York** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:
- New York State Consolidated Laws Article 25 Section 380-j – Prohibited information
Prohibited information. (a) No consumer reporting agency shall report or maintain in the file on a consumer, information: (1) 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. (f) (1) Except as authorized under paragraph two of this subdivision, no consumer reporting agency may make any consumer report containing any of the following items of information. (v) records of conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years.
- North Carolina** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.
- North Dakota** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.
- Ohio** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.
- Oklahoma** Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:
- Oklahoma House Bill 2492 – Copy of Consumer Report
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 from the credit reporting agency. The report sent to the consumer shall be provided at no charge to the consumer.

Oregon Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Pennsylvania Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Rhode Island Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

South Carolina Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

South Dakota Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Tennessee Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Texas Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

Business & Commerce Code – Chapter 20 § 20.05 – Reporting of information
Prohibited. (a) Except as provided by Subsection (b), a consumer reporting agency may not furnish a consumer report containing information related to: (4) a record of arrest, indictment, or conviction of a crime in which the date of disposition, release, or parole predates the consumer report by more than seven years. Exception: If the salary of an individual equals or is reasonable expected to equal \$75,000 or more, the 7-year restriction does not apply.

Utah Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Vermont Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Virginia Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq.

Washington Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA), 15 U. S. C. § 1661 et seq. and the following state ruling:

RCW 19.182.040 – Consumer report – Prohibited information – Exceptions
Except as authorized under subsection (2) of this section, no consumer reporting agency may make a consumer report containing any of the following items of information: (e) Records of arrest, indictment, or conviction of crime that, from date of disposition, release, or parole, antedate the report by more than seven years. Exception: If the salary of an individual equals or is reasonable expected to equal \$20,000 or more, the 7-year restriction does not apply.

West Virginia Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA),
15 U. S. C. § 1661 et seq.

Wisconsin Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA),
15 U. S. C. § 1661 et seq.

Wyoming Abide by the Federal Trade Commission's Fair Credit Reporting Act (FCRA),
15 U. S. C. § 1661 et seq.