

SENATE BILL NO. 443

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

0123S.01H

KRISTINA MARTIN, Secretary

AN ACT

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

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

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

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

**4 2. A cause of action shall not be brought against an
5 employer, general contractor, premises owner, or other third
6 party for hiring an employee or independent contractor who
7 has been convicted of an offense, unless such employee or
8 independent contractor has been convicted of an offense
9 contained in sections 565.021, 565.023, 565.024, 565.027,
10 565.050, 565.052, 565.054, 565.072, 565.073, 565.074,
11 565.090, 565.110, 565.115, 565.120, 565.153, 565.156,
12 565.225, 565.300, 566.030, 566.031, 566.032, 566.034,
13 566.060, 566.061, 566.062, 566.064, 566.067, 566.068,
14 566.069, 566.071, 566.083, 566.086, 566.100, 566.101,
15 566.103, 566.111, 566.115, 566.145, 566.151, 566.153,
16 566.203, 566.206, 566.209, 566.210, 566.211, 566.215,
17 568.030, 568.045, 568.060, 568.065, 568.175, 569.040,
18 569.160, 570.023, 570.025, 570.030 when punished as a class**

19 A, B, or C felony, 570.145 when punished as a class A or B
20 felony, 570.223 when punished as a class B or C felony,
21 571.020, 571.030, 571.070, 573.023, 573.025, 573.035,
22 573.037, 573.200, 573.205, 574.070, 574.080, 574.115,
23 575.030, 575.150, 575.153, 575.155, 575.157, 575.200 when
24 punished as a class A felony, 575.210, 575.230 when punished
25 as a class B felony, 575.240 when punished as a class B
26 felony, 576.070, 576.080, 577.010, 577.013, 577.078,
27 577.703, 577.706, 579.065, or 579.068 when punished as a
28 class A or B felony.

29 3. In an action for negligent hiring against an
30 employer, general contractor, premises owner, or other third
31 party for acts of an employee or independent contractor that
32 is based on a theory of liability other than that described
33 in subsection 2 of this section, the fact that the employee
34 or independent contractor was convicted of a nonviolent,
35 nonsexual offense before the employee or independent
36 contractor's employment or contractual obligation with the
37 employer, general contractor, premises owner, or other third
38 party shall be inadmissible as evidence.

39 4. The provisions of this section shall not preclude
40 any existing cause of action for failure of an employer to
41 provide adequate supervision of an employee or independent
42 contractor, except that the fact the employee or independent
43 contractor has been convicted of a nonviolent, nonsexual
44 offense may be admissible as evidence in such action only if
45 the employer:

46 (1) Knew of the conviction or was grossly negligent in
47 the failure to know of the conviction; and

48 (2) The conviction was directly related to the nature
49 of the employee's or independent contractor's work and the

50 conduct that gave rise to the alleged injury that is the
51 basis of the action.

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

55 (1) The misuse of funds or property of a person other
56 than the employer, general contractor, premises owner, or
57 third party by an employee or independent contractor if, on
58 the date the employee or independent contractor was hired,
59 the employee or independent contractor had been convicted of
60 an offense that includes fraud or the misuse of funds or
61 property as an element, and it was foreseeable that the
62 position for which the employee or independent contractor
63 was hired would involve discharging a fiduciary
64 responsibility in the management of the funds or property;

65 (2) The misappropriation of funds by an employee or
66 independent contractor if the employee or independent
67 contractor was hired as an attorney and, on the date the
68 employee or independent contractor was hired, the employee
69 or independent contractor had been convicted of an offense
70 that includes fraud or the misuse of funds or property as an
71 element; or

72 (3) A violent offense or an improper use of excessive
73 force by an employee or independent contractor if the
74 employee or independent contractor was hired to serve as a
75 law enforcement officer or security guard.

76 6. The provisions of this section shall not be
77 interpreted as implying a cause of action exists for
78 negligent hiring of an individual convicted of an offense in
79 situations not covered by this section.

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