

# SENATE BILL NO. 1360

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR TRENT.

5003S.011

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to 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 section 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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