

State Restrictions on Criminal Reporting

As a general rule, Kroll will search court record information as far back as the court record(s) exists. However, some states have reporting requirements that prohibit Consumer Reporting Agencies (CRAs) like Kroll from reporting court records that predate the report by more than seven (7) years.

Additionally, some states only allow reporting of convictions and pending cases rather than all criminal history information, such as arrests and dismissed cases.

Some of these states provide an exception that enables CRAs to legally report all court record information as far back as it is kept on file if the subject's salary is above a state-specified level. In order to comply with such state reporting laws, Kroll requests some salary information. Kroll will not inquire as to the employee/applicant's actual salary. Instead, we simply need to know whether the employee/applicant's salary will be above the salary exception so that we may report to our client what is required by state law.

If a client checks "Unknown" in the salary demographics box when requesting a background search, then a criminal record search in California, Kansas, Massachusetts, Montana, Nevada, New Hampshire, New Mexico, New York, or Washington will automatically be limited to a seven (7)-year search.

State	Reporting Limitations	Minimum Salary	Codes ²
California	Convictions & pending, 7 years	No Exceptions ¹	Cal. Civ. Code §1786.18
Kansas	All criminal info, 7 years	\$20,000	K.S.A. § 50-704
Kentucky	Convictions only	No Exceptions ¹	Ky. Rev. Stat. § 367.310
Massachusetts	All criminal info, 7 years	\$20,000	A.L.M. GL ch.93 § 52
Montana	All criminal info, 7 years	No Exceptions ¹	M.C.A. § 31-3-112
Nevada	All criminal info, 7 years	No Exceptions ¹	N.R.S. § 598C.150
New Hampshire	All criminal info, 7 years	\$20,000	N.H. RSA § 359-B:5
New Mexico	Convictions & pending, 7 years	No Exceptions ¹	N.M. Stat. Ann. § 56-3-6
New York	Convictions & pending, 7 years	\$25,000	NY CLS Gen Bus § 380-j
Washington	All criminal info, 7 years	\$20,000	R.C.W. §19.182.040

¹ No salary exception exists that would allow a CRA to report beyond the seven (7)-year limitation.

² Correspond to the actual state statutes that set forth these requirements.

For more information:

615 320 9800 or 800 697 7189

www.krollbackgroundscreening.com