

Jurisdiction	Limitations Beyond FCRA for Criminal Records
Federal Rule	<p>Convictions - reportable forever</p> <p>Non-convictions/Pending/Deferral - reportable 7 years from charge or file date, whichever is earlier</p> <p>NEVER report sealed/expunged records</p>
California	<p>Convictions – reportable only if less than 7 years from the date of disposition, release or parole.</p> <p><b>Non-convictions - not reportable</b></p> <p>Pending - reportable if less than 7 years from charge or file date, whichever is earlier</p> <p>Deferral - not reportable if completed successfully. Do not disclose deferral or diversion program in sentencing.</p> <p>DO NOT REPORT any non-felony marijuana convictions older than 2 years.</p>
District of Columbia	Convictions – reportable within 10 years of completion of sentence
Indiana	No reporting of a Class D or Level 6 Felony if it has been amended to a Class A Misdemeanor conviction.
Kansas	Convictions are reportable only if less than 7 years old from the date of disposition, release, or parole (exception if salary more than \$20,000)
**Kentucky	<p><b>All convictions are reportable. Pending Kentucky court charges are not reportable.</b></p> <p>All other non-convictions are reportable if less than 7 years from charge or file date, whichever is earlier.</p>
Maryland	Convictions are reportable only if less than 7 years old from the date of disposition, release, or parole (exception if salary more than \$20,000)
Massachusetts	Convictions – reportable if less than 7 years from disposition, release, or parole
Montana	Convictions - reportable if less than 7 years from disposition, release, or parole.
New Hampshire	Convictions are reportable only if less than 7 years from the date of disposition, release, or parole (exception if salary more than \$20,000).
New Mexico	Convictions – reportable if less than 7 years from date of disposition, release, or parole.
New York	<p>Convictions - reportable only if less than 7 years from the date of disposition, release, or parole (exception if salary more than \$25,000).</p> <p>Non-convictions - not reportable (regardless of income)</p> <p>Pending - reportable</p>
Washington	Convictions - reportable if less than 7 years from disposition, release or parole (exception if salary more than \$20,000).

Rule applies to where the applicant lives or works - use the most restrictive rule if in multiple states.

Notes can be found in QA instructions or income restrictions found in Reference Number of order.

This list should remain static, as any further changes in state law may be pre-empted by the FCRA.

This list does not include Employer Use Laws.

**\*\*Kentucky focuses on where the record originated. CRA can't maintain a record of a KY charge in its database unless it resulted in a conviction. It does not matter where the applicant lives and/or works.**

The Federal rule for reporting is: Convictions - reportable forever, Non-convictions/Pending/Deferral - reportable 7 yrs from charge or file date, whichever is earlier, and we NEVER report sealed/expunged records. From there, our compliance team follows state, and even municipal laws, for more restrictive reporting.

Reference Services, Inc. (RSI), a leading consumer reporting agency, announces the adoption of a 7-year reporting standard for criminal convictions on consumer reports, effective January 1, 2025. This aligns with the growing trend towards fairer hiring practices and compliance with the Fair Credit Reporting Act (FCRA). Major violence and sex offense criminal felonies will continue to be reported beyond 7 years as allowed under federal and state law to all clients.

*RSI will continue to report the maximum reporting standard for clients in the healthcare and child services industries. If you are an RSI client in another high risk industry and want to maintain the maximum reporting standard we will continue to do so. In this case, please contact the RSI help desk so we can add special instructions to your account.*

### **Modernizing Reporting for a Fairer Future**

The FCRA limits the reporting of most negative information, like arrests or civil judgments, to seven years. RSI recognizes the importance of consumer privacy and ensuring that outdated information doesn't unfairly impact employment opportunities.

### **Balancing Compliance and Common Sense**

While the FCRA doesn't restrict reporting of all criminal convictions, RSI acknowledges the Equal Employment Opportunity Commission's (EEOC) guidance. The EEOC encourages employers to consider the nature of the offense, along with the time since conviction, when making hiring decisions.

### **State-Specific Variations**

Some states already implement stricter reporting standards. RSI remains compliant with these regulations:

### **Benefits for Employers and Consumers**

"Many clients already limit reports to 7 years due to state restrictions and the increasing irrelevance of older criminal records to job suitability," says Brad Odil, President of RSI. "This change fosters fairer hiring practices and accelerates hiring timelines for employers."

### **For Your Questions and Special Needs**

RSI is committed to providing accurate and compliant reporting solutions.