

1 ENGROSSED SENATE  
2 BILL NO. 1725

By: Schulz and Johnson  
(Constance) of the Senate

3 and

4 Tibbs of the House

5  
6  
7 [ corrections - civil rights - procedures - prima

8 facie evidence - codification -

9 effective date ]

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 21 O.S. 2001, Section 65, is  
13 amended to read as follows:

14 Section 65. A. A sentence of imprisonment ~~under~~ in the custody  
15 of the Department of Corrections suspends all the civil rights of  
16 the person so sentenced during the term of actual confinement,  
17 except the right to make employment contracts, ~~during confinement~~  
18 ~~under said sentence,~~ subject to the approval of the Director of the  
19 Department of Corrections, when this benefits the vocational  
20 training or release preparation of the prisoner, and forfeits all  
21 public offices, and all private trusts, authority or power, during  
22 the term of such imprisonment, except as may be provided for trade,  
23 occupational or professional licenses. Provided, however, such

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1 persons during confinement shall not be eligible to receive benefits  
2 under the unemployment compensation law.

3 B. Notwithstanding the suspension of civil rights as provided  
4 in subsection A of this section, all state entities that are charged  
5 with oversight of occupational and professional licenses shall  
6 establish procedures, in conjunction with Section 4000 of Title 59  
7 of the Oklahoma Statutes, where a person convicted of a criminal  
8 offense, may appeal to have any trade, occupational or professional  
9 license reinstated for purposes of participating in meaningful work.

10 SECTION 2. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 69 of Title 21, unless there is  
12 created a duplication in numbering, reads as follows:

13 A criminal arrest, conviction or other case disposition shall  
14 not automatically operate to bar any registration, certification, or  
15 licensure for any trade, occupation or profession. All licensing  
16 boards authorized to operate in this state are required to provide  
17 written explanation of decisions based upon criminal history records  
18 which prohibit, cancel, suspend, revoke or deny any trade,  
19 occupation or professional registration, certification or licensure.

20 SECTION 3. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 4000.1 of Title 59, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. All licensing boards may take into consideration misdemeanor  
24 and felony convictions for certain crimes which have not been

1 annulled, expunged or pardoned; provided, no conviction shall  
2 operate as an automatic bar to any registration, certification or  
3 licensure for any trade, profession or occupation license. The  
4 following criminal history records information shall not be used,  
5 distributed or disseminated in connection with an applicant for  
6 trade, occupational, or professional registration, certification or  
7 licensure of any person:

8 1. An arrest record not documented as leading to a disposition  
9 of conviction;

10 2. A criminal case disposition or conviction that has been  
11 dismissed, reversed, set aside, pardoned or expunged, and

12 3. A misdemeanor conviction, except sex offenses.

13 B. All licensing boards and agencies are required to state  
14 explicitly in writing the reasons for a decision which prohibits the  
15 applicant from practicing the trade, occupation or profession, if  
16 the decision is based in whole or part, on a misdemeanor or felony  
17 charge, arrest, conviction or other disposition.

18 C. Completion of the term of parole or probation supervision  
19 shall be prima facie evidence of rehabilitation for purposes of  
20 registration, certification and licensure.

21 SECTION 4. AMENDATORY Section 1, Chapter 196, O.S.L.  
22 2006, (59 O.S. Supp. 2007, Section 4000), is amended to read as  
23 follows:

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1 Section 4000. A. All state entities that are charged with  
2 oversight of trade or occupational licenses shall establish  
3 procedures by which individuals who are convicted of a felony or  
4 misdemeanor where a nonviolent offense, substance abuse or mental  
5 illness is the underlying cause of the crime, or plead guilty or  
6 nolo contendere to a felony or misdemeanor where a nonviolent  
7 offense, substance abuse or mental illness is the underlying cause  
8 of the crime, may appeal to have an occupational license reinstated.

9 B. All state entities described in this section may consider  
10 the length of time since the plea or conviction. Other items that  
11 may be considered are education since the plea or conviction,  
12 recovery status since the plea or conviction if the underlying crime  
13 was alcohol- or drug-related, and the public safety of allowing an  
14 individual to return to the specific occupation.

15 C. The provisions of this section shall not apply to  
16 professional licensure boards that currently recognize and comply  
17 with the spirit and intent of this ~~act~~ section.

18 SECTION 5. This act shall become effective November 1, 2008.  
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