

SB 1725

THE STATE SENATE
Tuesday, February 19, 2008

Senate Bill No. 1725
As Amended

SENATE BILL NO. 1725 - By: SCHULZ and JOHNSON (Constance) of the Senate and TIBBS of the House.

An Act relating to corrections; amending 21 O.S. 2001, Section 65, which relates to suspension of civil rights for imprisonment; clarifying language; directing certain entities to establish procedures for certain purpose; prohibiting automatic bar to certain licensure; directing written explanations for certain decisions; authorizing consideration of certain information for certain purpose; identifying certain records prohibited from certain use; stating prima facie evidence for certain purpose; amending Section 1, Chapter 196, O.S.L. 2006 (59 O.S. Supp. 2007, Section 4000), which relates to exemptions; including nonviolent offense for procedural consideration; providing for codification; and providing an effective date.

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

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

Section 65. A. A sentence of imprisonment ~~under~~ in the custody of the Department of Corrections suspends all the civil rights of the person so sentenced during the term of actual confinement, except the right to make employment contracts, ~~during confinement under said sentence~~, subject to the approval of the Director of the Department of Corrections, when this benefits the vocational training or release preparation of the prisoner, and forfeits all public offices, and all private trusts, authority or power, during

1 the term of such imprisonment, except as may be provided for trade,
2 occupational or professional licenses. Provided, however, such
3 persons during confinement shall not be eligible to receive benefits
4 under the unemployment compensation law.

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

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

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

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

4 A. All licensing boards may take into consideration misdemeanor
5 and felony convictions for certain crimes which have not been
6 annulled, expunged or pardoned; provided, no conviction shall
7 operate as an automatic bar to any registration, certification or
8 licensure for any trade, profession or occupation license. The
9 following criminal history records information shall not be used,
10 distributed or disseminated in connection with an applicant for
11 trade, occupational, or professional registration, certification or
12 licensure of any person:

13 1. An arrest record not documented as leading to a disposition
14 of conviction;

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

17 3. A misdemeanor conviction, except sex offenses.

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

1 C. Completion of the term of parole or probation supervision
2 shall be prima facie evidence of rehabilitation for purposes of
3 registration, certification and licensure.

4 SECTION 4. AMENDATORY Section 1, Chapter 139, O.S.L.
5 2006, (59 O.S. Supp. 2007, Section 4000), is amended to read as
6 follows:

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

15 B. All state entities described in this section may consider
16 the length of time since the plea or conviction. Other items that
17 may be considered are education since the plea or conviction,
18 recovery status since the plea or conviction if the underlying crime
19 was alcohol- or drug-related, and the public safety of allowing an
20 individual to return to the specific occupation.

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

1 SECTION 5. This act shall become effective November 1, 2008.
2 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
3 dated 2-12-08 - DO PASS, As Amended and Coauthored.