ENGROSSED HOUSE
BILL NO. 2585

By: Lepak, McCullough, Sherrer and Shelton of the House

and

Shaw of the Senate

An Act relating to professions and occupations; prohibiting disqualification of license for certain convictions; providing exception; providing for considerations for licensing authority; providing for notification of denial of license or disqualification from an occupation; authorizing applicant to provide evidence of mitigation or rehabilitation; providing for notice to applicant of denial of license; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10000 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No person shall be disqualified from pursuing, practicing or engaging in any occupation for which a license is required solely or in part because of a prior conviction, unless it is a conviction directly related to the occupation for which the license is sought. Nothing in this section shall apply to a constitutional or statutory

provision explicitly stating that certain convictions are automatic bars to licensing.

B. In determining if a conviction directly relates to the position or the occupation for which the license is sought, the licensing authority shall consider:

1. Whether the conviction is directly related to the duties and responsibilities of the occupation;

2. Whether the occupation offers the opportunity for the same or a similar offense to occur; and

3. The length of time since the offense occurred.

C. Notification of denial of a license or disqualification from pursuing, practicing or engaging in an occupation shall be provided as follows. If a licensing authority intends to deny a license or disqualify an applicant from pursuing, practicing or engaging in any occupation for which a license is required solely or in part because of the applicant's prior conviction of a crime, the licensing authority shall notify the applicant in writing of the following, prior to a final decision regarding the license:

1. Identify the conviction items that are the basis for the potential denial or disqualification;

2. Provide a copy of the conviction history report, if any; and

3. Provide examples of mitigation or rehabilitation evidence that the applicant may voluntarily provide.

D. The applicant who has been convicted of an offense which directly relates to the occupation for which a license is sought shall not be disqualified from pursuing, practicing or engaging in the occupation if the applicant can provide evidence of mitigation or rehabilitation and present fitness to perform the duties of the occupation for which the license is sought.

E. The applicant shall have ten (10) business days after issuance of the notice provided in subsection C of this section to respond with any information, including challenging the accuracy of the information and submitting mitigation or rehabilitation evidence.

F. Evidence of mitigation or rehabilitation of the applicant may be established by:

1. Showing that at least one (1) year has elapsed since release from any correctional institution without subsequent conviction of a crime and showing evidence of compliance with terms and conditions of probation or parole; or

2. Providing any other evidence of mitigation or rehabilitation and present fitness, including, but not limited to, letters of reference.

G. If a licensing authority denies a license or disqualifies the applicant from pursuing, practicing or engaging in any occupation for which a license is required solely or in part because

of the applicant's prior conviction of a crime, the licensing authority shall notify the applicant in writing of the following:

1. The final denial or disqualification;

2. The appeal process; and

3. The earliest date the applicant may reapply for the license.

SECTION 2. This act shall become effective November 1, 2016.

Passed the House of Representatives the 8th day of March, 2016.

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Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate