

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2894

By: Taylor

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;
9 requiring revision of licensing restriction rules;
10 placing limitation on disqualification; providing
11 exception; requiring compliance within certain date;
12 providing for petition to challenge disqualification;
13 providing for fee; directing certain entities to
14 promulgate rules; defining terms; providing for
15 codification; and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 7001 of Title 59, unless there
19 is created a duplication in numbering, reads as follows:

20 A. All licensing authorities shall revise their existing
21 licensing requirement rules to explicitly list the specific criminal
22 records that would disqualify an applicant from receiving a license
23 or certification. Licensing authorities shall not use nonspecific
24 terms including, but not limited to, "moral turpitude" and "good
character" or consider arrests that are not followed by a valid
conviction.

1 B. Licensing authorities shall only list disqualifying criminal
2 records that are specific and directly related to the duties and
3 responsibilities for the licensed occupation.

4 C. If an individual has a valid criminal conviction for a crime
5 that would disqualify the individual from receiving a license, the
6 disqualification shall not last longer than five (5) years from the
7 date of conviction, provided that the conviction is not for a crime
8 that is violent or sexual in nature and the individual has not been
9 convicted of any other crime during the five-year disqualification
10 period.

11 D. All licensing authorities shall meet the requirements listed
12 in this section on or before June 1, 2019.

13 E. An individual with a criminal record may petition a
14 licensing authority at any time for a determination of whether the
15 individual's criminal record will disqualify the individual from
16 obtaining a license. This petition shall include details on the
17 individual's criminal record. The licensing authority shall inform
18 the individual of his or her standing within sixty (60) days of
19 receiving the petition from the applicant. The licensing authority
20 may charge a fee not to exceed Ninety-five Dollars (\$95.00) for each
21 petition.

22 F. All licensing authorities shall promulgate rules to
23 implement the provisions of this section.

24 G. As used in this section:

1 1. "Licensing authority" means every administrative body, state
2 agency director or official with authority over any occupational or
3 professional license or certification, and each of the respective
4 examining and licensing boards; and

5 2. "Criminal record" means any type of felony conviction or
6 misdemeanor conviction.

7 SECTION 2. This act shall become effective November 1, 2018.
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