

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1424

By: Lepak

AS INTRODUCED

An Act relating to professions and occupations;  
prohibiting disqualification of license for certain  
convictions; providing exception; providing  
considerations for licensing authority; stating  
notification procedures for license denials or  
disqualifications; authorizing applicants to provide  
evidence of mitigation or rehabilitation; requiring  
notice to applicants of license denials; 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.

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

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

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

8       3. The length of time since the offense occurred.

9       C. If a licensing authority intends to deny a license or  
10 disqualify an applicant from pursuing, practicing or engaging in any  
11 occupation for which a license is required solely or in part because  
12 of a previous criminal conviction, the licensing authority shall  
13 provide written notification to the applicant prior to a final  
14 decision. The written notification shall:

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

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

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

20       D. The applicant who has been convicted of a crime which  
21 directly relates to the occupation for which a license is sought  
22 shall not be disqualified from pursuing, practicing or engaging in  
23 the occupation if the applicant can provide evidence of mitigation  
24

1 or rehabilitation and present fitness to perform the duties of the  
2 occupation for which the license is sought.

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

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

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

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

17 G. If a licensing authority denies a license or disqualifies  
18 the applicant from pursuing, practicing or engaging in any  
19 occupation for which a license is required solely or in part because  
20 of the applicant's prior conviction of a crime, the licensing  
21 authority shall notify the applicant in writing of the following:

- 22 1. The final denial or disqualification;  
23 2. The appeal process; and  
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1        3. The earliest date on which the applicant may reapply for the  
2 license.

3        SECTION 2. This act shall become effective November 1, 2017.  
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