

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 4357

By: Hill

8 COMMITTEE SUBSTITUTE

9 An Act relating to occupational licensing; creating  
10 Provisional License for Ex-Offenders Act; allowing  
for the issuance of a provisional license or license  
11 to an applicant with prior offenses; providing a time  
frame that a provisional license is valid; allowing  
12 occupational licensing authority to revoke  
provisional license under certain circumstances;  
13 allowing for occupational licensing authority to  
issue a license to applicant after expiration of  
14 provisional license under certain conditions;  
preventing a provisional licensee from obtaining  
15 another license if revoked; allowing for licensing  
agency to use discretion for additional license  
16 issuance; requiring applicant to inform occupational  
licensing authority of community supervision;  
17 requiring notice by the authority to probation or  
parole department of provisional license issuance;  
18 requiring notice by probation, parole department, or  
court to notify agency of revocation of community  
19 supervision or further charges of licensee; providing  
for condition on provisional license if applicant  
20 committed certain offense; allowing exception for  
condition under certain conditions; allowing  
21 licensing agency to use further discretion for  
license issuance or time limitations; providing  
22 exceptions; providing for codification; and providing  
an effective date.

24 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 4300 of Title 59, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Provisional License for Ex-Offenders Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4300.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, and unless the applicant has been convicted of an offense described in Section 3 of this act, an occupational licensing authority shall issue to an otherwise qualified applicant who has been convicted of an offense a:

1. License for which the applicant applied; or
2. Provisional license.

B. The provisional license shall be valid for terms ranging between ninety (90) days and one (1) year, as specified by the rules or the authority.

C. The occupational licensing authority may revoke a provisional license if the provisional licensee:

1. Commits a new offense;
2. Commits an act or omission that causes the person's community supervision, mandatory supervision, or parole to be revoked, if applicable; or

1        3. Violates the law or rules governing the practice of the  
2 occupation for which the provisional license is issued.

3        D. The occupational licensing authority shall issue the license  
4 for which the applicant originally applied as a provisional licensee  
5 on the expiration date of the provisional license term if the  
6 provisional licensee does not violate the provisions of subsection C  
7 of this section.

8        E. If the occupational licensing authority revokes a  
9 provisional license due to violations of subsection C of this  
10 section, the provisional licensee is not entitled to receive another  
11 provisional license or a regular license for which the applicant  
12 originally applied, even if otherwise qualified. The ability of  
13 such a person to subsequently obtain another such license in the  
14 future is within the discretion of the occupational licensing  
15 authority.

16        F. An applicant who is on community supervision and who is  
17 issued a provisional license under this section shall provide to the  
18 occupational licensing authority the name and contact information of  
19 the probation or parole department to which the applicant reports.  
20 The occupational licensing authority shall notify the probation or  
21 parole department that a provisional license has been issued to the  
22 applicant. The probation or parole department shall notify the  
23 occupational licensing authority if the person's community  
24 supervision is revoked during the term of the provisional licensing.

1 The court shall also notify the issuing authority if the person is  
2 charged with a new offense.

3 G. If the applicant was convicted of an offense that involved  
4 robbery, residential burglary, or a home invasion of any kind within  
5 the last ten (10) years and, if the occupation involved requires a  
6 licensee to enter private residences regularly, the provisional  
7 license shall include a condition that the licensee work under the  
8 accompanying supervision of another licensed individual without a  
9 criminal record during home visits and the supervising individual  
10 shall sign a verifying affidavit. If the offense occurred more than  
11 ten (10) years prior to the issuance of a provisional license, the  
12 authority shall use its own discretion on requiring a supervision  
13 condition with its license. The regular license may include this  
14 supervision condition if the authority determines the condition is  
15 warranted. The authority may conduct reasonable enforcement  
16 activities to ensure this supervision condition is complied with  
17 over the course of the license term.

18 H. Nothing herein shall be implicitly interpreted to preclude  
19 an authority from exercising its existing discretion to issue a  
20 license to individuals not covered in this section, except where  
21 precluded by existing law.

22 I. The occupational licensing authority may set a time  
23 limitation of not more than two (2) years since an applicant's last  
24 conviction; provided, that if the person is incarcerated, the person

1 may be denied a provisional license even if the waiting period has  
2 elapsed.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 4300.2 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. This act shall not apply to:

7 1. Persons convicted of homicide, an aggravated violent felony,  
8 a felony sex offense, or kidnapping;

9 2. Persons convicted of an offense involving fraud if the  
10 licensed occupation is one in which the licensee owes a fiduciary  
11 duty to a client;

12 3. Any occupation where the licensee would be supervising a  
13 minor or an individual lacks the mental capacity to provide informed  
14 consent without another licensee in the same room at all times; or

15 4. Any initial or renewal license application where the  
16 applicant was convicted of committing an offense in the course of  
17 performing the duties of the occupation or a substantially similar  
18 occupation.

19 B. If the occupational licensing authority deems another  
20 exemption, not provided in this section, necessary in a specific  
21 case to protect the public from clear and imminent danger, the  
22 authority may seek declaratory relief in district court through  
23 judicial order finding that the applicant should not be issued a  
24 regular or provisional license.

1       SECTION 4.       NEW LAW       A new section of law to be codified  
2 in the Oklahoma Statutes as Section 4300.3 of Title 59, unless there  
3 is created a duplication in numbering, reads as follows:

4       Nothing in this act shall be construed to:

5       1.   Require an employer or consumer to employ or contract with a  
6 worker who is not licensed or state certified;

7       2.   Preempt federal regulations; or

8       3.   Require a private certification organization to grant or  
9 deny private certification to any individual.

10       SECTION 5.   This act shall become effective November 1, 2022.

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12       58-2-11021       LRB       03/02/22

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