

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4357

By: Hill

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8 COMMITTEE SUBSTITUTE

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

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4300 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

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

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

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

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

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

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

- 21 1. Commits a new offense;
22 2. Commits an act or omission that causes the person's
23 community supervision, mandatory supervision, or parole to be
24 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 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/03/2022 - DO PASS,
13 As Amended.

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