

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 60th Legislature (2026)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3794

By: Sneed of the House

and

Coleman of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to professions and occupations;
12 amending 59 O.S. 2021, Section 4000.1, as last
13 amended by Section 9, Chapter 227, O.S.L. 2024 (59
14 O.S. Supp. 2025, Section 4000.1), which relates to
15 grounds for licensure or certification denial;
16 updating reference to Oklahoma Insurance Department;
17 and providing an effective date.

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

19 SECTION 1. AMENDATORY 59 O.S. 2021, Section 4000.1, as
20 last amended by Section 9, Chapter 227, O.S.L. 2024 (59 O.S. Supp.
21 2025, Section 4000.1), is amended to read as follows:

22 A. As used in this section:

23 1. "Substantially relate" means the nature of the criminal
24 conduct for which the person was convicted has a direct bearing on

1 the fitness or ability to perform one or more of the duties or
2 responsibilities necessarily related to the occupation; and

3 2. "Pose a reasonable threat" means the nature of the criminal
4 conduct for which the person was convicted involved an act or threat
5 of harm against another and has a bearing on the fitness or ability
6 to serve the public or work with others in the occupation.

7 B. Notwithstanding any other provision of law, a conviction,
8 plea of guilty or nolo contendere, or pending criminal charge of a
9 crime may be grounds for the denial of an applicant for a state
10 license or state certification to practice an occupation only if the
11 underlying offense substantially relates to the duties and
12 responsibilities of the occupation and poses a reasonable threat to
13 public safety, health, or welfare. When making a determination
14 pursuant to this subsection, a licensing or certification authority
15 shall consider:

- 16 1. The nature and seriousness of the offense;
- 17 2. The amount of time that has passed since the offense;
- 18 3. The age of the person at the time the offense was committed;
- 19 4. Evidence relevant to the circumstances of the offense
20 including any aggravating or mitigating circumstances of social
21 conditions surrounding the commission of the offense;
- 22 5. The nature of the specific duties and responsibilities for
23 which the license or certification is required; and

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1 6. Any evidence of rehabilitation submitted by the applicant
2 including, but not limited to, evidence related to the person's
3 compliance with any conditions of community supervision, parole, or
4 mandatory supervision, the conduct and work activity of the person,
5 programming, or treatment undertaken by the person, and testimonials
6 or personal reference statements.

7 C. Notwithstanding any other provision of law, a licensing or
8 certification authority shall not deny a state license or state
9 certification to practice an occupation due to:

10 1. An arrest that was not followed by a valid plea of guilty or
11 nolo contendere unless charges are currently pending;

12 2. A conviction that has been sealed, or expunged;

13 3. A conviction or plea of guilty or nolo contendere for which
14 more than five (5) years have elapsed since the date of conviction,
15 plea, or release from incarceration, whichever is later, so long as
16 the person has not been convicted of a new crime. This paragraph
17 shall not apply to any conviction or plea of guilty or nolo
18 contendere for:

19 a. an offense enumerated in Section 571 of Title 57 of
20 the Oklahoma Statutes,

21 b. a felony involving domestic assault, domestic assault
22 and battery, or domestic abuse as defined in Section
23 644 of Title 21 of the Oklahoma Statutes,

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1 c. an offense that would require registration as a sex
2 offender pursuant to the Sex Offenders Registration
3 Act, or

4 d. any equivalent law enumerated in this paragraph from
5 another jurisdiction; or

6 4. A finding that an applicant lacks good character or fails to
7 meet any other similarly vague standard where a criminal conviction
8 is the basis for the finding.

9 D. Before a state licensing or state certification authority
10 makes a final determination that a criminal conviction, plea of
11 guilty or nolo contendere, or pending criminal charge may disqualify
12 an applicant for licensure, that authority shall provide written
13 notice of:

14 1. The specific offense that is the basis for the intended
15 denial;

16 2. The reasons the offense was determined to substantially
17 relate to the duties and responsibilities of the occupation and
18 posed a reasonable threat to public safety, health, or welfare,
19 including findings for each of the factors in subsection B of this
20 section that the licensing or certification authority deemed
21 relevant to the determination; and

22 3. The right to submit additional evidence relevant to each of
23 the factors listed in subsection B of this section within thirty
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1 (30) days, which the licensing or certification authority shall
2 consider before issuing a final determination.

3 E. A final determination that a criminal conviction, plea of
4 guilty or nolo contendere, or pending criminal charge may prevent a
5 person from receiving a license shall be in writing and include
6 notice of the right to appeal the determination pursuant to the
7 Administrative Procedures Act, or a more specific statutory
8 authority, and notice of the earliest date the applicant may reapply
9 for a license.

10 F. A person with a criminal history record may request a
11 determination of whether his or her criminal history record may
12 disqualify him or her from obtaining the desired license or
13 certification in the occupation from a state licensing or state
14 certification authority at any time, including before obtaining any
15 required education or training for such occupation. The request
16 shall be in writing and shall include either a copy of the person's
17 criminal history record with explanation of each conviction
18 mentioned in the criminal history record or a statement describing
19 each criminal conviction including the date of each conviction, the
20 court of jurisdiction and the sentence imposed. The person may
21 include a statement with his or her request describing additional
22 information for consideration by the licensing or certification
23 authority including, but not limited to, information relevant to any
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1 of the factors for consideration described in subsection B of this
2 section.

3 G. Upon receipt of a written request for consideration of a
4 criminal history record for an occupation as provided in subsection
5 F of this section, the licensing or certification authority shall
6 evaluate the request and make a determination based upon the
7 information provided in such request whether the stated conviction
8 is a disqualifying offense for the occupation. A notice of the
9 determination shall be issued to the petitioner within sixty (60)
10 days from the date such request was received by the licensing or
11 certification authority; except, however, a licensing or
12 certification authority regulating fifty thousand or more members in
13 its occupation shall be allowed ninety (90) days to make its initial
14 determination and issue notice to the requestor.

15 H. A determination made pursuant to subsection F of this
16 subsection that a person may not be disqualified for licensure or
17 certification due to criminal history shall be binding upon a
18 licensing or certification authority unless, at the time a full
19 application for a license is submitted, the applicant has
20 subsequently pled guilty or nolo contendere to a crime, has pending
21 criminal charges, or has previously undisclosed criminal
22 convictions.

23 I. The notice of a determination made pursuant to subsection F
24 of this section shall be in writing and mailed to the requestor at

1 the address provided in his or her request, and shall contain the
2 following statements:

3 1. Whether the person is eligible for licensure or
4 certification in the occupation at the current time based upon the
5 information submitted by the requestor;

6 2. Whether there is a disqualifying offense that would
7 disqualify the person from engaging in the occupation at the current
8 time and a statement identifying such offense in the criminal
9 history record or information submitted for consideration;

10 3. Any actions the person may take to remedy a
11 disqualification, if any;

12 4. The earliest date the person may submit another request for
13 consideration, if any; and

14 5. A statement that the determination may be rescinded if, at
15 the time a full application for a license is submitted, the
16 applicant has subsequently pled guilty or nolo contendere to a
17 crime, has pending criminal charges, or has previously undisclosed
18 criminal convictions.

19 J. A state entity charged with oversight of an occupational
20 license or certification may promulgate forms for requests for
21 determinations for the occupation as authorized in subsection F of
22 this section. Each state licensing or certification authority may
23 charge a fee not to exceed Ninety-five Dollars (\$95.00) for each
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1 initial determination of eligibility it makes for the occupation
2 based upon the information provided by the requestor.

3 K. Each state licensing or state certification authority shall
4 include in its application for a license or certification and
5 publish on its public website the following information:

6 1. Whether the criminal offenses of applicants may be used as a
7 basis for denial;

8 2. If criminal history may be used as a basis for denial as
9 listed in subsection B of this section, which offenses the licensing
10 or certification authority shall consider; and

11 3. Notice of the right to request a determination pursuant to
12 subsection F of this section.

13 L. Each state licensing or state certification authority
14 authorized to consider the criminal conviction of an applicant shall
15 annually provide to the Legislature, and publish on its public
16 website, the following:

17 1. The number of license applications received;

18 2. The number of applications that resulted in a license being
19 granted;

20 3. The number of applications that resulted in a license being
21 denied;

22 4. The number of applications that were denied due to criminal
23 history;

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1 5. A list of criminal offenses reported by individuals who were
2 granted a license;

3 6. A list of criminal offenses reported by individuals who were
4 denied a license due to criminal history along with the time elapsed
5 since the commission of the offense; and

6 7. The number of petitions received by the licensing or
7 certification authority pursuant to subsection F of this section.

8 M. The provisions of this section shall not be construed to
9 apply to the Council on Law Enforcement Education and Training, the
10 ~~Bail Bonds Division of the~~ Oklahoma Insurance Department, the State
11 Board of Education, the boards of examiners which are established in
12 Title 20 of the Oklahoma Statutes, the State Board of Medical
13 Licensure and Supervision, or individuals applying to these
14 authorities for licensure or certification.

15 SECTION 2. This act shall become effective November 1, 2026.

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17 COMMITTEE REPORT BY: COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT
18 OVERSIGHT, dated 03/02/2026 - DO PASS, As Amended and Coauthored.

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