

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 2802

By: Marti of the House

5 and

6 **Alvord** of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2021, Section 4000.1, as last
12 amended by Section 9, Chapter 227, O.S.L. 2024 (59
13 O.S. Supp. 2024, Section 4000.1), which relates to
denying or disqualifying professional licenses or
certifications; adding terms; and providing an
effective date.

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

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

20 Section 4000.1. A. As used in this section:

21 1. "Substantially relate" means the nature of the criminal
22 conduct for which the person was convicted has a direct bearing on
23 the fitness or ability to perform one or more of the duties or
24 responsibilities necessarily related to the occupation; and

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

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

- 14 1. The nature and seriousness of the offense;
- 15 2. The amount of time that has passed since the offense;
- 16 3. The age of the person at the time the offense was committed;
- 17 4. Evidence relevant to the circumstances of the offense
18 including any aggravating or mitigating circumstances of social
19 conditions surrounding the commission of the offense;
- 20 5. The nature of the specific duties and responsibilities for
21 which the license or certification is required; and
- 22 6. Any evidence of rehabilitation submitted by the applicant
23 including, but not limited to, evidence related to the person's
24 compliance with any conditions of community supervision, parole, or

1 mandatory supervision, the conduct and work activity of the person,
2 programming, or treatment undertaken by the person, and testimonials
3 or personal reference statements.

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

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

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

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

16 a. an offense enumerated in Section 571 of Title 57 of
17 the Oklahoma Statutes,

18 b. a felony involving domestic assault, domestic assault
19 and battery, or domestic abuse as defined in Section
20 644 of Title 21 of the Oklahoma Statutes,

21 c. an offense that would require registration as a sex
22 offender pursuant to the Sex Offenders Registration
23 Act, or
24

1 d. any equivalent law enumerated in this paragraph from
2 another jurisdiction; or

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

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

11 1. The specific offense that is the basis for the intended
12 denial;

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

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

23 E. A final determination that a criminal conviction, plea of
24 guilty or nolo contendere, or pending criminal charge may prevent a

1 person from receiving a license shall be in writing and include
2 notice of the right to appeal the determination pursuant to the
3 Administrative Procedures Act, or a more specific statutory
4 authority, and notice of the earliest date the applicant may reapply
5 for a license.

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

22 G. Upon receipt of a written request for consideration of a
23 criminal history record for an occupation as provided in subsection
24 F of this section, the licensing or certification authority shall

1 evaluate the request and make a determination based upon the
2 information provided in such request whether the stated conviction
3 is a disqualifying offense for the occupation. A notice of the
4 determination shall be issued to the petitioner within sixty (60)
5 days from the date such request was received by the licensing or
6 certification authority; except, however, a licensing or
7 certification authority regulating fifty thousand or more members in
8 its occupation shall be allowed ninety (90) days to make its initial
9 determination and issue notice to the requestor.

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

18 I. The notice of a determination made pursuant to subsection F
19 of this section shall be in writing and mailed to the requestor at
20 the address provided in his or her request, and shall contain the
21 following statements:

22 1. Whether the person is eligible for licensure or
23 certification in the occupation at the current time based upon the
24 information submitted by the requestor;

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

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

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

9 5. A statement that the determination may be rescinded if, at
10 the time a full application for a license is submitted, the
11 applicant has subsequently pled guilty or nolo contendere to a
12 crime, has pending criminal charges, or has previously undisclosed
13 criminal convictions.

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

21 K. Each state licensing or state certification authority shall
22 include in its application for a license or certification and
23 publish on its public website the following information:
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- 1 1. Whether the criminal offenses of applicants may be used as a
2 basis for denial;
- 3 2. If criminal history may be used as a basis for denial as
4 listed in subsection B of this section, which offenses the licensing
5 or certification authority shall consider; and
- 6 3. Notice of the right to request a determination pursuant to
7 subsection F of this section.
- 8 L. Each state licensing or state certification authority
9 authorized to consider the criminal conviction of an applicant shall
10 annually provide to the Legislature, and publish on its public
11 website, the following:
- 12 1. The number of license applications received;
- 13 2. The number of applications that resulted in a license being
14 granted;
- 15 3. The number of applications that resulted in a license being
16 denied;
- 17 4. The number of applications that were denied due to criminal
18 history;
- 19 5. A list of criminal offenses reported by individuals who were
20 granted a license;
- 21 6. A list of criminal offenses reported by individuals who were
22 denied a license due to criminal history along with the time elapsed
23 since the commission of the offense; and
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1 7. The number of petitions received by the licensing or
2 certification authority pursuant to subsection F of this section.

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

10 SECTION 2. This act shall become effective November 1, 2025.

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12 COMMITTEE REPORT BY: COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT
13 OVERSIGHT, dated 02/25/2025 - DO PASS, As Coauthored.

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