

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 HOUSE BILL 2134

 By: Munson

7 AS INTRODUCED

8 An Act relating to professions and occupations;
9 prohibiting disqualification of license for certain
10 convictions; providing exception; providing for
11 considerations for licensing authority; providing for
12 notification of denial of license or disqualification
13 from an occupation; authorizing applicant to provide
14 evidence of mitigation or rehabilitation; providing
15 for notice to applicant of denial of license;
16 providing for codification; and providing an
17 effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 6100 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. No person shall be disqualified from pursuing, practicing or
20 engaging in any occupation for which a license is required solely or
21 in part because of a prior conviction, unless it is a conviction
22 directly related to the occupation for which the license is sought.
23 Nothing in this section shall apply to a constitutional or statutory
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1 provision explicitly stating that certain convictions are automatic
2 bars to licensing.

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

6 1. Whether the conviction is directly related to the duties and
7 responsibilities of the occupation;

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

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

11 C. If a licensing authority intends to deny a license or
12 disqualify an applicant from pursuing, practicing or engaging in any
13 occupation for which a license is required solely or in part because
14 of the applicant's prior conviction of a crime, the licensing
15 authority shall notify the applicant in writing of the following,
16 prior to a final decision regarding the license:

17 1. Identify the conviction items that are the basis for the
18 potential denial or disqualification;

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

20 3. Provide examples of mitigation or rehabilitation evidence
21 that the applicant may voluntarily provide.

22 D. The applicant who has been convicted of an offense which
23 directly relates to the occupation for which a license is sought
24 shall not be disqualified from pursuing, practicing or engaging in

1 the occupation if the applicant can provide evidence of mitigation
2 or rehabilitation and present fitness to perform the duties of the
3 occupation for which the license is sought.

4 E. The applicant shall have thirty (30) business days after
5 issuance of the notice provided in subsection C of this section to
6 respond with any information, including challenging the accuracy of
7 the information and submitting mitigation or rehabilitation
8 evidence.

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

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

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

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

23 1. The final denial or disqualification;

24 2. The appeal process; and

1 3. The earliest date the applicant may reapply for the license.

2 SECTION 2. This act shall become effective November 1, 2019.

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4 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated
5 02/25/2019 - DO PASS.
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