

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1691 \_\_\_\_\_  
 \_\_\_\_\_ Of the printed Bill  
 Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
 \_\_\_\_\_ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Brad Boles

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED  
4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1691

By: Taylor and Rader of the  
Senate

7 and

8 Boles of the House

9  
10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to occupational licensing and  
12 certification; amending 59 O.S. 2021, Section 4000.1,  
13 which relates to determination for granting or  
14 denying licensing; providing for terms of denial of a  
15 state license or certification; allowing a licensing  
16 or certification authority to consider certain  
17 conditions before determination; preventing denial of  
18 licensure from a licensing or certification authority  
19 under certain conditions; requiring written notice to  
20 applicant from authority before determination;  
21 providing for notice of denial to be presented to  
22 applicant and allow for appeal and reapplication;  
23 removing terms of determination; providing for terms  
24 of disqualification during application process if  
subsequently convicted, has pending charges, or  
undisclosed convictions; allowing for rescindment of  
determination under certain conditions; requiring a  
licensing or certification authority to provide and  
publish certain information with applications;  
requiring distribution of information on website and  
to the Legislature each year; providing agency  
exceptions; and providing an effective date.

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

1 SECTION 1. AMENDATORY 59 O.S. 2021, Section 4000.1, is  
2 amended to read as follows:

3 Section 4000.1 A. As used in this section:

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

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

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

- 20 1. The nature and seriousness of the offense;  
21 2. The amount of time that has passed since the conviction;  
22 3. The age of the person at the time the offense was committed;  
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1       4. Evidence relevant to the circumstances of the offense  
2 including any aggravating or mitigating circumstances of social  
3 conditions surrounding the commission of the offense;

4       5. The nature of the specific duties and responsibilities for  
5 which the license or certification is required; and

6       6. Any evidence of rehabilitation submitted by the applicant  
7 including, but not limited to, evidence related to the person's  
8 compliance with any conditions of community supervisions, parole, or  
9 mandatory supervision, the conduct and work activity of the person,  
10 programming, or treatment undertaken by the person, and testimonials  
11 or personal reference statements.

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

15       1. An arrest that was not followed by a valid conviction unless  
16 charges are currently pending;

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

18       3. A conviction for which more than five (5) years have elapsed  
19 since the date of conviction or release from incarceration,  
20 whichever is later, so long as the person has not been convicted of  
21 a new crime. This paragraph shall not apply to any conviction for:

22           a. an offense enumerated in Section 571 of Title 57 of  
23           the Oklahoma Statutes,

1           b. a felony involving domestic assault, domestic assault  
2           and battery, or domestic abuse as defined in Section  
3           644 of Title 21 of the Oklahoma Statutes,

4           c. an offense that would require registration as a sex  
5           offender pursuant to the Sex Offenders Registration  
6           Act, or

7           d. any equivalent law enumerated in this paragraph from  
8           another jurisdiction; or

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

12          D. Before a state licensing or state certification authority  
13          makes a final determination that a criminal conviction or pending  
14          criminal charge may disqualify an applicant for licensure, that  
15          authority shall provide written notice of:

16           1. The specific conviction that is the basis for the intended  
17           denial;

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

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

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

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

1 to, information about his or her current circumstances, the length  
2 of time since conviction and what has changed since the conviction,  
3 evidence of rehabilitation, testimonials or personal reference  
4 statements and his or her employment aspirations relevant to any of  
5 the factors for consideration described in subsection B of this  
6 section.

7 ~~C. Each state entity charged with oversight of an occupational~~  
8 ~~license or certification shall list with specificity any criminal~~  
9 ~~offense that is a disqualifying offense for such occupation. Any~~  
10 ~~disqualifying offense shall substantially relate to the duties and~~  
11 ~~responsibilities of the occupation and pose a reasonable threat to~~  
12 ~~public safety as defined in subsection A of this section.~~  
13 ~~Disqualifying offenses shall be provided to applicants and others~~  
14 ~~upon request.~~

15 ~~D.~~ G. Upon receipt of a written request for consideration of a  
16 criminal history record for an occupation as provided in subsection  
17 ~~B~~ F of this section, the licensing or certification authority shall  
18 evaluate the request and make ~~an initial~~ a determination based upon  
19 the information provided in such request whether the stated  
20 conviction is a disqualifying offense for the occupation. A notice  
21 of ~~initial~~ the determination shall be issued to the petitioner  
22 within sixty (60) days from the date such request was received by  
23 the licensing or certification authority, except however, a  
24 licensing or certification authority regulating fifty thousand or

1 more members in its occupation shall be allowed ninety (90) days to  
2 make its initial determination and issue notice to the requestor.

3 E. H. A determination made pursuant to subsection F of this  
4 subsection that a person may not be disqualified for licensure or  
5 certification due to criminal history shall be binding upon a  
6 licensing or certification authority unless, at the time a full  
7 application for a license is submitted, the applicant has been  
8 subsequently convicted of a crime, has pending criminal charges, or  
9 has previously undisclosed criminal convictions.

10 I. The notice of ~~initial~~ a determination made pursuant to  
11 subsection F of this section shall be in writing and mailed to the  
12 requestor at the address provided in his or her request, and shall  
13 contain the following statements:

14 1. Whether the person ~~appears~~ is eligible for licensure or  
15 certification in the occupation at the current time based upon the  
16 information submitted by the requestor;

17 2. Whether there is a disqualifying offense ~~prohibiting that~~  
18 would disqualify the ~~person's engagement~~ person from engaging in the  
19 occupation at ~~any~~ the current time and a statement identifying such  
20 offense in the criminal history record or information submitted for  
21 consideration;

22 3. Any actions the person may take to remedy ~~what appears to be~~  
23 a ~~temporary~~ disqualification, if any;

24



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

3 5. A statement that the ~~notice of initial~~ determination ~~is only~~  
4 ~~an initial determination for eligibility for licensure or~~  
5 ~~certification in the occupation based upon the information provided~~  
6 ~~by the requestor~~ may be rescinded if, at the time a full application  
7 for a license is submitted, the applicant has been subsequently  
8 convicted of a crime, has pending criminal charges, or has  
9 previously undisclosed criminal convictions.

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

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

21 1. Whether the criminal convictions of applicants may be used  
22 as a basis for denial;  
23  
24

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

4        3. Notice of the right to request a determination pursuant to  
5 subsection F of this section.

6        L. Each state licensing or state certification authority  
7 authorized to consider the criminal conviction of an applicant shall  
8 annually provide to the Legislature, and publish on its public  
9 website, the following:

10        1. The number of license applications received;

11        2. The number of applications that resulted in a license being  
12 granted;

13        3. The number of applications that resulted in a license being  
14 denied;

15        4. The number of applications that were denied due to criminal  
16 history;

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

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

22        7. The number of petitions received by the licensing or  
23 certification authority pursuant to subsection F of this section.  
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1        M. The provisions of this section shall not be construed to  
2 apply to the Council on Law Enforcement Education and Training, the  
3 Bail Bonds Division of the Oklahoma Insurance Department, the State  
4 Board of Education, or individuals applying to these authorities for  
5 certification or licensure.

6        SECTION 2. This act shall become effective November 1, 2022.

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8        58-2-11215        LRB        04/04/22

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