

BILL SUMMARY
2nd Session of the 58th Legislature

| | |
|------------------------|-------------------|
| Bill No.: | SB 1691 |
| Version: | PCS1 |
| Request Number: | 11275 |
| Author: | Rep. Boles |
| Date: | 4/12/2022 |
| Impact: | \$0 |

Research Analysis

The second proposed committee substitute for SB 1691 provides that a conviction, guilty or nolo contendere plea, or pending criminal charge may only be the grounds for denial of an application for a state occupational license or certification if the underlying offense substantially relates to the duties of the occupation and poses a reasonable threat to public safety, health, or welfare. When making the determination, the licensing or certification authority must consider the following:

- The nature and seriousness of the offense;
- The amount of time that has passed since the offense;
- The age of the person at the time of the offense;
- Evidence relevant to the circumstances of the offense, including circumstances of social conditions;
- The nature of the specific duties and responsibilities for which the license or certification is required; and
- Evidence related to rehabilitation submitted by the applicant.

Additionally, no occupational license or certification may be denied due to an arrest that was not followed by a guilty or nolo contendere plea and has no pending charges, and sealed or expunged conviction, a finding that the applicant lacks good character or other similarly vague standard, and conviction or guilty or nolo contendere plea if five years have elapsed since the conviction, plea, or release from incarceration. The only exceptions for the latter are a violent crime as defined in [57 O.S. §571](#), a felony involving domestic abuse, an offense requiring the registration as a sex offender, and any equivalent law in another jurisdiction.

The measure also requires the licensing or certification authority to provide written notice when it makes the determination that the application will be denied based on a criminal conviction, guilty or nolo contendere plea, or pending criminal charge. Each licensing or certification authority must include in its application and publish on its website information regarding these provisions, and each authority must provide to the Legislature and publish on its website information regarding license applications received, approved, and denied, including a list of criminal offenses reported by applicants. Finally, the measure provides that these provisions do not apply to the Council on Law Enforcement Education and Training, the Bail Bonds Division of the Oklahoma Insurance Department, and the State Board of Education.

Prepared By: Emily McPherson

Fiscal Analysis

According to the Oklahoma Department of Labor, this measure should not create a fiscal impact for the agency; therefore, it should not create a fiscal impact for the State. This proposed committee substitute does not affect the fiscal impact analysis.

Prepared By: Mariah Searock

Other Considerations

While ODOL does not believe this will create a fiscal impact for the agency, it does believe it will take additional time of it's staff for reporting requirements. This may also affect other agencies who grant licenses, many of which though, are non-appropriated agencies.

© 2021 Oklahoma House of Representatives, see Copyright Notice at www.okhouse.gov