

1 SB233  
2 195264-1  
3 By Senator Albritton  
4 RFD: Governmental Affairs  
5 First Read: 04-APR-19

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8 SYNOPSIS: This bill would require occupational  
9 licensing authorities to waive initial fees for  
10 occupational licenses for applicants who meet  
11 certain requirements.

12 This bill would provide that an applicant  
13 may not be disqualified, on the basis of having a  
14 criminal conviction, from engaging in an occupation  
15 for which a license is required, unless the crime  
16 directly relates to the duties and responsibilities  
17 of that occupation.

18 This bill would require any agency, board,  
19 commission, or other entity having the authority to  
20 assess occupational fees or issue occupational  
21 licenses to specifically list all crimes for which  
22 an applicant for licensure may be disqualified.

23 This bill would require each licensing  
24 authority to review license eligibility for  
25 applicants who are found to have been convicted of  
26 a listed crime, and would establish post-conviction

1 eligibility requirements for applicants who are  
2 declared ineligible for a license.

3 This bill would further require any  
4 licensing authority that denies a license to an  
5 applicant to provide detailed written documentation  
6 regarding the reasons for the denial and would  
7 allow an applicant to challenge the denial.

8 This bill would provide for exemptions.

9 This bill would also amend the Military  
10 Family Jobs Opportunity Act to delete inconsistent  
11 provisions relating to exemptions.

12  
13 A BILL

14 TO BE ENTITLED

15 AN ACT

16  
17 Relating to occupational licensing; to require  
18 occupational licensing authorities to waive initial fees for  
19 occupational licenses for applicants who meet certain  
20 requirements; to provide that an applicant may not be  
21 disqualified, on the basis of having a criminal conviction,  
22 from engaging in an occupation for which a license is required  
23 unless the crime directly relates to the duties and  
24 responsibilities of that occupation; to require any agency,  
25 board, commission, or other entity having the authority to  
26 assess occupational fees or issue occupational licenses to  
27 specifically list all crimes for which an applicant for

1 licensure may be disqualified; to further require each  
2 licensing authority to review license eligibility for  
3 applicants who are found to have been convicted of a listed  
4 crime; to establish post-conviction eligibility requirements  
5 for applicants who are declared ineligible for a license; to  
6 further require any licensing authority that denies a license  
7 to an applicant to provide detailed written documentation  
8 regarding the reason for the denial and to allow an applicant  
9 to challenge the denial; to provide for exemptions; and to  
10 amend the Military Family Jobs Opportunity Act, Section  
11 31-1-6, Code of Alabama 1975, as amended by Act 2018-540, to  
12 delete inconsistent provisions relating to exemptions.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. (a) For the purposes of this section, the  
15 following words have the following meanings:

16 (1) CRIMINAL RECORD. A record of one or more felony  
17 or misdemeanor convictions.

18 (2) LICENSING AUTHORITY. An agency, board,  
19 commission, or other entity having the authority to require  
20 occupational fees or issue licensing requirements for the  
21 practice of a profession.

22 (3) OCCUPATIONAL FEE. A fee or tax on professionals  
23 or businesses that is charged for the privilege of providing  
24 goods or services within a certain jurisdiction.

25 (4) POLITICAL SUBDIVISION. A city, town,  
26 municipality, village, or county.

1 (5) YOUNG WORKERS. Applicants between the ages of 18  
2 and 25.

3 (b) (1) All licensing authorities shall waive initial  
4 occupational and licensing fees for the following:

5 a. Individuals who are enrolled in a state or  
6 federal public assistance program or whose household adjusted  
7 gross income is below 130 percent of the United States poverty  
8 level as defined by the most recent revised poverty guidelines  
9 published by the United States Department of Health and Human  
10 Services.

11 b. Active duty military service members, honorably  
12 discharged veterans, spouses of active duty military service  
13 members or honorably discharged veterans, and surviving  
14 spouses of deceased military service members who have not  
15 remarried.

16 c. Young workers.

17 (2) Except as otherwise provided by Section 31-1-6,  
18 Code of Alabama 1975, applicants seeking a waiver of initial  
19 occupational and licensing fees under this section shall apply  
20 to the appropriate licensing authority in a format prescribed  
21 by the licensing authority. The licensing authority shall  
22 process the application within 30 days after receiving it from  
23 the applicant.

24 (3) All licensing authorities shall adopt necessary  
25 rules for the implementation of this subsection.

26 (c) (1) No person shall be disqualified from  
27 pursuing, practicing, or engaging in any occupation for which

1 a license is required due to having a prior criminal  
2 conviction, unless the crime for which convicted directly  
3 relates to duties or responsibilities, or both, for the  
4 licensed occupation.

5 (2) Within 150 days after the effective date of this  
6 section, each licensing authority shall adopt a rule for each  
7 level of licensure that specifically lists every crime for  
8 which a conviction could disqualify an applicant from  
9 receiving that license.

10 (3) In reviewing the license eligibility of an  
11 applicant who has been convicted of a potentially  
12 disqualifying crime, the licensing authority shall consider  
13 all of the following:

14 a. The nature and seriousness of the crime for which  
15 the applicant was convicted.

16 b. The passage of time since the commission of the  
17 crime.

18 c. The relationship of the crime to the ability,  
19 capacity, and fitness required to perform the duties and  
20 discharge the responsibilities of the occupation to which the  
21 license applies.

22 d. Any evidence of rehabilitation or treatment  
23 received by the applicant.

24 (4)a. Except as otherwise provided in this  
25 subdivision, if an applicant has been convicted of a  
26 potentially disqualifying crime, the disqualification shall  
27 extend for no more than five years from the date of

1 conviction, provided the conviction is not for a crime that is  
2 violent or sexual in nature, as determined by rule of the  
3 board, and the applicant has not been convicted of any other  
4 crime during that time.

5 b. Notwithstanding paragraph a., if an applicant was  
6 incarcerated for the conviction of a crime that was not  
7 violent or sexual in nature at any time during the five years  
8 preceding the license application, the disqualification may  
9 last no longer than five years from the date the applicant was  
10 released from incarceration.

11 (5) For state licensing authorities, the  
12 requirements listed in subdivisions (2), (3), and (4) also  
13 apply to new occupational licenses created after the effective  
14 date of this section. A political subdivision may not create  
15 any new occupational licenses after the effective date of this  
16 section.

17 (6) Each licensing authority shall adopt necessary  
18 rules for the implementation of this subsection.

19 (d)(1) An applicant with a criminal record may  
20 petition a licensing authority at any time for a determination  
21 of whether his or her criminal record may disqualify the  
22 applicant from obtaining an occupational license. The petition  
23 shall include details regarding the criminal record of the  
24 applicant. The licensing authority shall issue a written  
25 response to the applicant within 30 days after receiving the  
26 petition from the applicant. The licensing authority may

1 charge a fee, not to exceed twenty-five dollars (\$25), for  
2 each petition submitted.

3 (2) If the licensing authority denies a license to  
4 an applicant because of his or her prior criminal conviction,  
5 the licensing authority shall notify the applicant in writing  
6 of all of the following:

7 a. The reasons for the denial or disqualification,  
8 specifically detailing how the disqualifying conviction is  
9 directly related to the duties or responsibilities, or both,  
10 of the particular occupation.

11 b. That the applicant has the right to a hearing to  
12 challenge the decision of the licensing authority.

13 c. The earliest date the applicant may reapply for a  
14 license.

15 d. That evidence of rehabilitation may be considered  
16 upon reapplication.

17 (3) In any administrative hearing or civil  
18 litigation authorized under this subsection, the licensing  
19 authority shall carry the burden of proof on the question of  
20 whether the criminal conviction of the applicant directly  
21 relates to the occupation for which the license is sought.

22 (4) Each licensing authority shall adopt necessary  
23 rules for the implementation of this subsection.

24 (e) This section does not apply to any certification  
25 issued by the Alabama Peace Officers' Standards and Training  
26 Commission.



1           Section 2. Section 31-1-6, Code of Alabama 1975, as  
2 amended by Act 2018-540, is amended to read as follows:

3           "§31-1-6.

4           "(a) This section shall be known and may be cited as  
5 the Military Family Jobs Opportunity Act.

6           "(b) Except as provided in subsection (h), and  
7 notwithstanding other provisions of law, this section shall  
8 apply to any board, agency, commission, or other entity  
9 providing professional licenses or certificates, or both, for  
10 the purpose of employment in the State of Alabama. On or  
11 before January 1, 2019, each board, commission, or agency  
12 providing professional licenses or certificates, or both,  
13 shall promulgate rules in conformity with this section for the  
14 purpose of implementing its requirements. The rules shall  
15 provide a method of accomplishing both of the following:

16           "(1) The issuance of a license or certificate to an  
17 eligible individual if the requirements for certification or  
18 licensure of the original issuing state or governing body are  
19 substantially equivalent to that required in the state, as  
20 provided in subsection (d).

21           "(2) A procedure for authorizing an eligible  
22 individual to perform professional services regulated by the  
23 board, agency, or commission in this state pursuant to a  
24 temporary permit, effective for at least 180 days, while the  
25 eligible individual completes the specific requirements of the  
26 board, agency, or commission to obtain a license or

1 certificate in this state that were not required in the  
2 original issuing state.

3 "(c) For the purposes of this section, an eligible  
4 individual is any individual who satisfies all of the  
5 following:

6 "(1) Is the spouse of an active duty, reserve, or  
7 transitioning member of the United States Armed Forces,  
8 including the National Guard, or a surviving spouse of a  
9 service member who, at the time of his or her death, was  
10 serving on active duty, who is relocated to and stationed in  
11 the State of Alabama under official military orders. For the  
12 purposes of this section, a transitioning service member is a  
13 member of the United States Armed Forces, including the  
14 National Guard, on active duty status or on separation leave  
15 who is within 24 months of retirement.

16 "(2) Has not committed or participated in an act  
17 that would constitute grounds for refusal, suspension, or  
18 revocation of a professional license or certificate.

19 "(3) Has not been disciplined by an authorized  
20 entity or under investigation, in any jurisdiction, in  
21 relation to a professional license or certificate.

22 "(d) Any eligible individual under subsection (c)  
23 who possesses a valid license or certificate in another state,  
24 district, or territory of the United States, or in any branch  
25 of the United States Armed Forces, including the National  
26 Guard, with licensing or certification requirements greater  
27 than or substantially similar to the licensing or

1 certification requirements of the appropriate board,  
2 commission, or agency in the State of Alabama shall be  
3 approved to continue work in his or her profession upon  
4 relocation to the State of Alabama for such time as normally  
5 allotted with receipt of a license or certificate from the  
6 appropriate board, commission, or agency. Upon completion of  
7 an application that documents compliance with the receiving  
8 agency's requirements for a certificate or license, an  
9 authorized board, commission, or agency shall expedite the  
10 application according to statute, promulgated rules, or if  
11 applicable, at the next scheduled licensure proceeding for an  
12 eligible individual under subsection (c).

13 "(e) Any board, commission, or agency in the State  
14 of Alabama may establish reciprocity with other states for  
15 military spouse professional licensing and certification.

16 "(f) Any board, agency, commission, or other entity  
17 providing professional licenses or certificates, or both, for  
18 the purpose of employment in this state, that is created after  
19 April 6, 2018, shall adopt the rules required by this section  
20 within one year after the date of its initial organizational  
21 meeting.

22 "(g) Any board, agency, commission, or other entity  
23 providing professional licenses or certificates, or both, for  
24 the purpose of employment in the state, shall waive the  
25 initial licensing fee for the eligible individual upon  
26 application by the eligible individual in a manner prescribed  
27 by the board, agency, commission, or other entity. The board,

1 agency, commission, or other entity shall process an  
2 application for a fee waiver within 30 days after receiving  
3 the application.

4 "(h) This section does not apply to ~~the practice of~~  
5 ~~law or the regulation of attorneys, any license or~~  
6 ~~registration issued by the Securities Commission under the~~  
7 ~~Alabama Securities Act,~~ any certification issued by the  
8 Alabama Peace Officers' Standards and Training Commission, ~~or~~  
9 ~~the practice of any profession regulated by the Alabama State~~  
10 ~~Board of Pharmacy, Board of Dental Examiners, State Board of~~  
11 ~~Chiropractic Examiners, Alabama Liquefied Petroleum Gas Board,~~  
12 ~~or State Board of Medical Examiners."~~

13 Section 3. This act shall become effective on the  
14 first day of the third month following its passage and  
15 approval by the Governor, or its otherwise becoming law.