

**Senate Substitute for
Senate Substitute for HOUSE BILL No. 2386**

By Committee on Federal and State Affairs

3-22

1 AN ACT concerning labor; relating to licensing of professional
2 occupations; applications of persons with certain criminal and civil
3 records, disqualification for licensure; amending K.S.A. 74-120 and
4 repealing the existing section.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 74-120 is hereby amended to read as follows: 74-
8 120. (a) Notwithstanding any other provision of law, any person, board,
9 commission or similar body ~~who~~ that determines the qualifications of
10 individuals for licensure, certification or registration may consider any
11 felony conviction of the applicant, but such a conviction shall not operate
12 as a bar to licensure, certification or registration.

13 (b) (1) *Within 180 days of the effective date of this section, any*
14 *person, board, commission or similar body that determines the*
15 *qualifications of individuals for licensure, certification or registration*
16 *shall revise their existing requirements to list the specific civil and*
17 *criminal records that could disqualify an applicant from receiving a*
18 *license, certification or registration. Such person, board, commission or*
19 *similar body may only list any disqualifying criminal records or civil court*
20 *records that are directly related to protecting the general welfare and the*
21 *duties and responsibilities for such entities and in no case shall non-*
22 *specific terms, such as moral turpitude or good character, or any arrests*
23 *that do not result in a conviction be used to disqualify an individual's*
24 *application for licensure, certification or registration.*

25 (2) *If an individual has a criminal record or civil court record that*
26 *would disqualify the individual from receiving a license, certification or*
27 *registration and the individual has not been convicted of any other crime*
28 *in the last five years, such record shall not be used to disqualify the*
29 *individual for licensure, certification or registration for more than five*
30 *years from the date of conviction unless the conviction is for a crime that*
31 *is a felony, a class A misdemeanor, a sexually violent crime, as defined in*
32 *K.S.A. 22-4902, and amendments thereto, or any conviction for which*
33 *issuance of such licensure, certification or registration could conflict with*
34 *federal law.*

35 (3) *An individual with a civil or criminal record may petition the*

1 *person, board, commission or similar body responsible for licensure,*
2 *certification or registration at any time for an informal, written advisory*
3 *opinion concerning whether the individual's civil or criminal record will*
4 *disqualify the individual from obtaining such license, certification or*
5 *registration. This petition shall include details of the individual's civil or*
6 *criminal record. In response to such petition, the person, board,*
7 *commission or similar body responsible for licensure, certification or*
8 *registration shall issue an informal, written advisory opinion which shall*
9 *not be ninding upon such person, board, commission or similar body. The*
10 *person, board, commission or similar body responsible for licensure,*
11 *certification or registration shall respond to such petition within 120 days*
12 *of receiving the petition from the applicant and may charge up to \$50 for*
13 *the review and issuance of an informal, written advisory opinion in*
14 *response to such petition.*

15 *(4) All persons, boards, commissions or similar licensing bodies shall*
16 *adopt and publicly maintain all necessary rules and regulations for the*
17 *implementation of this section.*

18 *(c) The provisions of subsection (b) shall not apply to the:*

19 *(1) Kansas commission on peace officers' standards and training;*

20 *(2) Kansas highway patrol;*

21 *(3) board of accountancy;*

22 *(4) behavioral sciences regulatory board;*

23 *(5) any municipality as defined in K.S.A. 75-6102, and amendments*
24 *thereto; and*

25 *(6) any profession that has an educational requirement for licensure*
26 *that requires a degree beyond a bachelor's degree.*

27 *Sec. 2. K.S.A. 74-120 is hereby repealed.*

28 *Sec. 3. This act shall take effect and be in force from and after its*
29 *publication in the statute book.*