

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2134

By: Munson

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5  
6 AS INTRODUCED

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

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

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

21 A. No person shall be disqualified from pursuing, practicing or  
22 engaging in any occupation for which a license is required solely or  
23 in part because of a prior conviction, unless it is a conviction  
24 directly related to the occupation for which the license is sought.  
Nothing in this section shall apply to a constitutional or statutory

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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