

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1177

By: Sharp

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5  
6 AS INTRODUCED

7 An Act relating to occupations and professions;  
8 amending Section 1, Chapter 363, O.S.L. 2019 (59 O.S.  
9 Supp. 2019, Section 4000.1), which relates to initial  
10 determination of whether criminal conviction is a  
license disqualifier; construing certain exception;  
and providing an effective date.

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

13 SECTION 1. AMENDATORY Section 1, Chapter 363, O.S.L.  
14 2019 (59 O.S. Supp. 2019, Section 4000.1), is amended to read as  
15 follows:

16 Section 4000.1. A. As used in this section:

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

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

1 B. A person with a criminal history record may request an  
2 initial determination of whether his or her criminal history record  
3 would potentially disqualify him or her from obtaining the desired  
4 license or certification in the occupation from a state licensing or  
5 certification authority at any time, including before obtaining any  
6 required education or training for such occupation. The request  
7 shall be in writing and shall include either a copy of the person's  
8 criminal history record with explanation of each conviction  
9 mentioned in the criminal history record or a statement describing  
10 each criminal conviction including the date of each conviction, the  
11 court of jurisdiction and the sentence imposed. The person may  
12 include a statement with his or her request describing additional  
13 information for consideration by the licensing authority including,  
14 but not limited to, information about his or her current  
15 circumstances, the length of time since conviction and what has  
16 changed since the conviction, evidence of rehabilitation,  
17 testimonials or personal reference statements and his or her  
18 employment aspirations.

19 C. Each state entity charged with oversight of an occupational  
20 license or certification shall list with specificity any criminal  
21 offense that is a disqualifying offense for such occupation. Any  
22 disqualifying offense shall substantially relate to the duties and  
23 responsibilities of the occupation and pose a reasonable threat to  
24 public safety as defined in subsection A of this section.

1 Disqualifying offenses shall be provided to applicants and others  
2 upon request.

3 D. Upon receipt of a written request for consideration of a  
4 criminal history record for an occupation as provided in subsection  
5 B of this section, the licensing authority shall evaluate the  
6 request and make an initial determination based upon the information  
7 provided in such request whether the stated conviction is a  
8 disqualifying offense for the occupation. A notice of initial  
9 determination shall be issued to the petitioner within sixty (60)  
10 days from the date such request was received by the licensing  
11 authority, except, however, a licensing authority regulating fifty  
12 thousand or more members in its occupation shall be allowed ninety  
13 (90) days to make its initial determination and issue notice to the  
14 requestor.

15 E. The notice of initial determination shall be in writing and  
16 mailed to the requestor at the address provided in his or her  
17 request, and shall contain the following statements:

18 1. Whether the person appears eligible for licensure or  
19 certification in the occupation at the current time based upon the  
20 information submitted by the requestor;

21 2. Whether there is a disqualifying offense prohibiting the  
22 person's engagement in the occupation at any time and a statement  
23 identifying such offense in the criminal history record or  
24 information submitted for consideration;

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

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

5 5. A statement that the notice of initial determination is only  
6 an initial determination for eligibility for licensure or  
7 certification in the occupation based upon the information provided  
8 by the requestor.

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

16 G. The provisions of this section shall not apply to  
17 professions identified in the Professional Entity Act.

18 SECTION 2. This act shall become effective November 1, 2020.

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