

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1730

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to occupational licensing; naming
8 act; allowing for the issuance of a provisional
9 license or license to an applicant with prior
10 offenses; providing a time frame that a provisional
11 license can be issued; allowing occupational
12 licensing authority to revoke provisional license
13 under certain circumstances; allowing for
14 occupational licensing authority to issue a license
15 to applicant after expiration of provisional license
16 under certain conditions; preventing a provisional
17 licensee another license if revoked; allowing for
18 licensing agency to use discretion for additional
19 license issuance; requiring applicant to inform
20 occupational licensing authority of community
21 supervision; requiring notice by licensing agency to
22 probation or parole department of provisional license
23 issuance; requiring notice by probation, parole
24 department, or court to notify agency of revoking or
25 further charges by licensee; providing for condition
26 on provisional license if applicant committed certain
27 offense; allowing exception for condition under
28 certain conditions; allowing licensing agency to use
29 further discretion for license issuance or time
30 limitations; providing offenses disallowed from
31 license issuance; allowing licensing agency to pursue
32 further exceptions to licensing if deemed a danger to
33 public; providing for codification; and providing an
34 effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 4300 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Provisional
5 License for Ex-Offenders Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 4300.1 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Notwithstanding any other provision of law, and unless the
10 applicant has been convicted of an offense described in Section 2 of
11 this act, an occupational licensing authority shall issue to an
12 otherwise qualified applicant who has been convicted of an offense
13 a:

- 14 1. License for which the applicant applied; or
- 15 2. Provisional license.

16 B. The provisional license shall be valid for terms ranging
17 between ninety (90) days and one (1) year, as specified by agency
18 rule.

19 C. The occupational licensing authority may revoke a
20 provisional license if the provisional licensee:

- 21 1. Commits a new offense;
- 22 2. Commits an act or omission that causes the person's
23 community supervision, mandatory supervision, or parole to be
24 revoked, if applicable; or

1 3. Violates the law or rules governing the practice of the
2 occupation for which the provisional license is issued.

3 D. The occupational licensing authority shall issue the license
4 for which the applicant originally applied as a provisional licensee
5 on the expiration date of the provisional license term if the
6 provisional licensee does not violate the provisions of subsection C
7 of this section.

8 E. If the occupational licensing authority revokes a
9 provisional license due to violations of subsection C of this
10 section, the provisional licensee is not entitled to receive another
11 provisional license or a regular license for which the applicant
12 originally applied, even if otherwise qualified. The ability of
13 such a person to subsequently obtain another such license in the
14 future is within the discretion of the issuing agency.

15 F. An applicant who is on community supervision and who is
16 issued a provisional license under this section shall provide to the
17 occupational licensing authority the name and contact information of
18 the probation or parole department to which the applicant reports.
19 The occupational licensing authority shall notify the probation or
20 parole department that a provisional license has been issued to the
21 applicant. The probation or parole department shall notify the
22 occupational licensing authority if the person's community
23 supervision is revoked during the term of the provisional licensing.
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1 The court shall also notify the issuing agency if the person is
2 charged with a new offense.

3 G. If the applicant was convicted of an offense that involved
4 robbery, residential burglary, or a home invasion of any kind within
5 the last ten (10) years and, if the occupation involved requires a
6 licensee to enter private residences regularly, the provisional
7 license shall include a condition that the licensee work under the
8 accompanying supervision of another licensed individual without a
9 criminal record during home visits and the supervising individual
10 shall sign a verifying affidavit. If the offense occurred more than
11 ten (10) years prior to the issuance of a provisional license, the
12 agency shall use their own discretion on requiring a supervision
13 condition with their license. The regular license may include this
14 supervision condition if the agency determines the condition is
15 warranted. The agency may conduct reasonable enforcement activities
16 to ensure this supervision condition is complied with over the
17 course of the license term.

18 H. Nothing herein shall be implicitly interpreted to preclude
19 an agency from exercising its existing discretion to issue a license
20 to individuals not covered in this section, except where precluded
21 by existing law.

22 I. The occupational licensing authority may set a time
23 limitation of not more than two (2) years since an applicant's last
24 conviction; provided, that if the person is incarcerated, the person

1 may be denied a provisional license even if the waiting period has
2 elapsed.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 4300.3 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. This act shall not apply to:

7 1. Persons convicted of homicide, an aggravated violent felony,
8 a felony sex offense, or kidnapping;

9 2. Persons convicted of an offense involving fraud if the
10 licensed occupation is one in which the licensee owes a fiduciary
11 duty to a client;

12 3. Any occupation where the licensee would be supervising a
13 minor or an individual lacks the mental capacity to provide informed
14 consent without another licensee in the same room at all times; or

15 4. Any initial or renewal license application where the
16 applicant was convicted of committing an offense in the course of
17 performing the duties of the occupation or a substantially similar
18 occupation.

19 B. If the occupational licensing authority deems another
20 exemption, not provided in this section, necessary in a specific
21 case to protect the public from clear and imminent danger, the
22 agency may seek declaratory relief in district court through
23 judicial order finding that the applicant should not be issued a
24 regular or provisional license.

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SECTION 4. NEW LAW A new section of law to be codified

in the Oklahoma Statutes as Section 4300.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

Nothing in this act shall be construed to:

1. Require an employer or consumer to employ or contract with a worker who is not licensed or state certified;
2. Preempt federal regulations; or
3. Require a private certification organization to grant or deny private certification to any individual.

SECTION 5. This act shall become effective November 1, 2022.

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