Session of 2018

## 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.

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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.

Within 180 days of the effective date of this section, any 13 (b) (1) person, board, commission or similar body that determines the 14 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 license, certification or registration. Such person, board, commission or 18 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{, other than a conviction for a crime that is a felony or a class A misdemeanor or any conviction for which issuance of such 28 29 license, certification or registration could conflict with federal law, and 30 the individual has not been convicted of any other crime in the-last five 31 years {immediately preceding the application for licensure, certification 32 or registration}, such record shall not be used to disqualify the individual for licensure, certification or registration for more than five years from the 33 date of conviction unless the conviction is for a crime that is a felony, a. 34 class A misdemeanor, a sexually violent crime, as defined in K.S.A. 22-35

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- 1 4902, and amendments thereto, or any conviction for which issuance of:
  - such licensure, certification or registration could conflict with federal law
- 3 *{after the person satisfied the sentence imposed}.*

4 (3) An individual with a civil or criminal record may petition the 5 person, board, commission or similar body responsible for licensure, 6 certification or registration at any time for an informal, written advisory 7 opinion concerning whether the individual's civil or criminal record will 8 disqualify the individual from obtaining such license, certification or registration. This petition shall include details of the individual's civil or 9 10 criminal record. In response to such petition, the person, board, commission or similar body responsible for licensure, certification or 11 12 registration shall issue an informal, written advisory opinion which shall not be ninding upon such person, board, commission or similar body. The 13 person, board, commission or similar body responsible for licensure, 14 certification or registration shall respond to such petition within 120 days 15 16 of receiving the petition from the applicant and may charge up to \$50 for the review and issuance of an informal, written advisory opinion in 17 18 response to such petition.

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

- (c) The provisions of subsection (b) shall not apply to the:
- (1) Kansas commission on peace officers' standards and training;
- 24 (2) Kansas highway patrol;
- 25 (3) board of accountancy;
- 26 (4) behavioral sciences regulatory board;
- 27 {(5) state board of healing arts;
- 28 (6) state board of pharmacy;
- 29 (7) emergency medical services board;
- 30 (8) board of nursing;}

31 (5){(9)} any municipality as defined in K.S.A. 75-6102, and 32 amendments thereto; and

33 (6){(10)} any profession that has an educational requirement for
34 licensure that requires a degree beyond a bachelor's degree.

- 35 Sec. 2. K.S.A. 74-120 is hereby repealed.
- 36 Sec. 3. This act shall take effect and be in force from and after its 37 publication in the statute book.