

HCS HB 564 -- FRESH START ACT OF 2019

SPONSOR: Grier

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Career Readiness by a vote of 7 to 0. Voted "Do Pass" by the Standing Committee on Rules- Legislative Oversight by a vote of 8 to 0.

This bill creates the "Fresh Start Act of 2019." Beginning January 1, 2020, a person cannot be disqualified from licensure for any occupation solely or in part because of a prior conviction of a crime, unless the crime directly relates to the duties and responsibilities for the licensed occupation.

Each state licensing authority must revise its existing licensing requirements to explicitly list which specific criminal convictions could disqualify an applicant. The licensing authority cannot consider arrests without a conviction. Disqualifying convictions must be specific and directly related to the duties and responsibilities of the occupation.

In determining whether a particular applicant with a conviction will be denied a license, the licensing authority must use a clear and convincing standard of proof and determine the nature and seriousness of the crime, the passage of time since the commission of the crime, the relationship of the crime to the fitness required to perform the duties of the occupation, and any evidence of rehabilitation.

An individual with a conviction cannot be disqualified from an occupation for more than five years, unless the crime is violent or sexual in nature or if the individual was convicted of another crime during that five-year period.

An individual with a conviction can petition the licensing authority for a determination of whether or not the individual's criminal record will disqualify him or her from licensure. The licensing authority must respond within 30 days.

If an individual is denied a license based on a previous criminal conviction, the licensing authority must notify the individual of the grounds for denial. Evidence for the grounds for denial must have clear and convincing evidence sufficient for a reviewing court. The applicant has the right to a hearing to challenge the licensing authority's decision. The licensing authority has the burden of proof on whether the conviction directly relates to the occupation.

These provisions do not apply to peace officers or law enforcement personnel.

This bill is similar to HB 472 (2019).

PROPONENTS: Supporters say that this bill provides transparency for boards and will correlate offenses to professions. Supporters believe that this bill will help create productivity in the state and help remove potential barriers for those individuals that have paid debt to society. Furthermore, supporters feel that the bill would close up the loopholes and exceptions by clarifying and giving advance notice if an individual would qualify for a license.

Testifying for the bill were Representative Grier; Peggy Albers; Opportunity Solutions Project; Missouri Catholic Conference; Metropolitan Employment And Rehabilitation Services - Goodwill; Stephen Doherty; Empower Missouri; and Americans For Prosperity.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say that the fiscal note reflects a variety of inputs, including all criminal statutes from all states and all 42 boards, annual updates as laws change, justification for each rule, and potential for additional hearings.

Testifying on the bill were Missouri Division of Professional Registration and the Missouri Municipal League.