

HB 2141 -- FRESH START ACT OF 2020

SPONSOR: Grier

This bill establishes the "Fresh Start Act of 2020". Beginning January 1, 2021, a person cannot be disqualified from licensure for any occupation solely or in part because of a prior conviction of a crime, unless the criminal conviction 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 categories or specific criminal convictions could disqualify an applicant. The licensing authority cannot consider an arrest without a conviction. A disqualifying conviction must be specific and directly related to the duties and responsibilities of the occupation.

In determining whether an 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 after the licensing authority has met, but in no event more than four months after receiving the petition from the applicant.

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.

The provisions of the act also apply to any occupational license created after the effective date of the bill.

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

This bill is the same as HB 564 (2019) and similar to HB 472 (2019).