

GREEN SHEET REDIGEST

HB 503

2019 Regular Session

Edmonds

LICENSING: Provides relative to licensing qualifications.

DIGEST

Proposed law creates the Fresh Start Act of 2019 to enable persons with a criminal record to obtain occupational licenses.

Proposed law provides legislative findings which state that unemployed persons are more likely to reoffend than persons with employment, that persons with a higher occupational level have a lower rate of recidivism, and that removing obstacles to employment is in the best interest of the state.

Proposed law provides that no person shall be disqualified from obtaining an occupational license because he has been convicted of a crime unless the crime is directly related in nature to the chosen occupation, is a crime of violence, or is a sex offense as defined in present law.

Proposed law requires all state licensing entities to revise licensing provisions, enumerating which crimes are incompatible with the practice of their trade, and deleting any provision relating to vague requirements of "good moral character", or similar descriptives.

Proposed law requires a licensing entity to examine factors relating to disqualifying criminal convictions including the nature and seriousness of the crime, the passage of time since it occurred, the relationship of the crime to the objectives of the career, and any evidence of rehabilitation.

Proposed law requires that a person cannot be disqualified because of a criminal record dating back past five years if he has not been convicted of another crime in the more recent years. Proposed law allows for a longer period than the five years from the commission of the crime if he was incarcerated during the period. Proposed law requires that the disqualification cannot last longer than five years from release.

Proposed law provides the procedure for an individual to apply for consideration of a professional license. Proposed law requires the individual to disclose details regarding his criminal record and requires that the licensing entity inform him of the decision within thirty days.

Proposed law allows licensing entities to charge a fee of up to \$25 per application.

Proposed law requires that if an entity denies the license application because of a criminal record, it shall disclose the following to the individual:

- (1) The reasons and explanation for the denial or disqualification.
- (2) That the individual has the right to a hearing to challenge the decision.
- (3) The earliest date the individual may reapply for a license.
- (4) That evidence of rehabilitation may be considered upon reapplying.

Proposed law requires the licensing entity to thoroughly document why an individual was disqualified pursuant to a criminal record.

Proposed law allows an applicant to appeal a decision of disqualification in an administrative hearing. Proposed law requires that the licensing entity shall carry the burden of proof on the question of whether the applicant's criminal record directly relates to the occupation for which the license is sought.

Proposed law provides that the provisions of proposed law shall not apply to any of the following:

- (1) Any law enforcement agency.
- (2) The Louisiana Real Estate Appraisers Board.
- (3) The Louisiana Real Estate Commission.
- (4) The Louisiana Supreme Court.
- (5) The State Board of Certified Public Accountants of Louisiana.
- (6) The Louisiana State Board of Medical Examiners.
- (7) The Louisiana Professional Engineering and Land Surveying Board.
- (8) The Louisiana State Board of Nursing.
- (9) The Louisiana State Board of Practical Nurse Examiners.
- (10) The Louisiana State Board of Examiners of Psychologists.
- (11) The Louisiana State Board of Dentistry.

Present law, the "Licenses for Ex-Offenders Act", requires any licensing board to consider an applicant if he has been convicted of a crime and is otherwise qualified for the position. Present law further provides an exception when the nature of the crime for which an applicant was convicted is similar or related to the occupation for which he is applying.

Present law provides that a license can be revoked if the licensee is convicted of another felony or violates any law or rule governing the practice of the field of work. Present law requires a court to notify the licensing entity upon conviction of a new offense, after which the licensee shall not be permitted to obtain another license in the same profession.

Present law gives the discretion to the licensing entity on whether or not to ultimately issue a license to a person convicted of a felony. Present law further provides a list of licensing entities excluded from the provisions of present law.

Proposed law repeals present law, the "Licenses for Ex-Offenders Act".

Effective Jan. 1, 2020.

(Adds R.S. 37:51-57; repeals R.S. 37:31-36)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Reorganize and rewrite the legislative findings.
2. Make technical changes.
3. Exclude the Louisiana Real Estate Appraisers Board, the Louisiana Real Estate Commission, the Louisiana Supreme Court, and the State Board of Certified Public Accountants of Louisiana from the provisions of proposed law.

The House Floor Amendments to the engrossed bill:

1. Make technical changes.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer
Protection, and International Affairs

1. Technical changes.
2. Added exceptions.