

SENATE BILL No. 421

By Committee on Federal and State Affairs

2-15

1 AN ACT concerning labor; relating to licensing of professional
2 occupations; concerning applications of persons with certain criminal
3 records; amending K.S.A. 74-120 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 74-120 is hereby amended to read as follows: 74-
7 120. (a) Notwithstanding any other provision of law, any person, board,
8 commission or similar body who determines the qualifications of
9 individuals for licensure, certification or registration may consider any
10 felony conviction of the applicant, but such a conviction shall not operate
11 as a bar to licensure, certification or registration.

12 (b) *Within 120 days of the effective date of this section, any person,*
13 *board, commission or similar body that determines the qualifications of*
14 *individuals for licensure, certification or registration shall revise their*
15 *existing requirements to list the specific civil and criminal records that*
16 *would disqualify an applicant from receiving a license, certification or*
17 *registration. Such person, board, commission or similar body may only list*
18 *any disqualifying criminal records or civil court records that are directly*
19 *related to protecting the general welfare and the duties and*
20 *responsibilities for such entities and in no case shall non-specific terms,*
21 *such as moral turpitude or good character, or any arrests that do not*
22 *result in a conviction be used to disqualify an individual's application for*
23 *licensure, certification or registration.*

24 (c) *If an individual has a criminal record or civil court record that*
25 *would disqualify the individual from receiving a license, certification or*
26 *registration and the individual has not been convicted of any other crime*
27 *in the last five years, such record shall not be used to disqualify the*
28 *individual for licensure, certification or registration for more than five*
29 *years from the date of conviction unless the conviction is for a crime that*
30 *is a person felony or a sexually violent crime, as defined in K.S.A. 22-*
31 *4902, and amendments thereto.*

32 (d) *An individual with a civil or criminal record may petition the*
33 *person, board, commission or similar body responsible for licensure,*
34 *certification or registration at any time for a determination of whether the*
35 *individual's civil or criminal record will disqualify the individual from*
36 *obtaining such license, certification or registration. This petition shall*

1 *include details of the individual's civil or criminal record. The person,*
2 *board, commission or similar body responsible for licensure, certification*
3 *or registration shall respond to such petition within 30 days of receiving*
4 *the petition from the applicant.*

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

8 Sec. 2. K.S.A. 74-120 is hereby repealed.

9 Sec. 3. This act shall take effect and be in force from and after its
10 publication in the statute book.