

2018 Kansas Statutes

74-120. Licensing of occupations; applications and consideration of persons with certain criminal records by state agencies.

(a) Notwithstanding any other provision of law, any person, board, commission or similar body that determines the qualifications of individuals for licensure, certification or registration may consider any felony conviction of the applicant, but such a conviction shall not operate as a bar to licensure, certification or registration.

(b) (1) Within 180 days of the effective date of this section, any person, board, commission or similar body that determines the qualifications of individuals for licensure, certification or registration shall revise their existing requirements to list the specific civil and criminal records that could disqualify an applicant from receiving a license, certification or registration. Such person, board, commission or similar body may only list any disqualifying criminal records or civil court records that are directly related to protecting the general welfare and the duties and responsibilities for such entities and in no case shall non-specific terms, such as moral turpitude or good character, or any arrests that do not result in a conviction be used to disqualify an individual's application for licensure, certification or registration.

(2) If an individual has a criminal record or civil court record that would disqualify the individual from receiving a license, certification or 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 license, certification or registration could conflict with federal law, and the individual has not been convicted of any other crime in the five years immediately preceding the application for licensure, certification or registration, such record shall not be used to disqualify the individual for licensure, certification or registration for more than five years after the person satisfied the sentence imposed.

(3) An individual with a civil or criminal record may petition the person, board, commission or similar body responsible for licensure, certification or registration at any time for an informal, written advisory opinion concerning whether the individual's civil or criminal record will disqualify the individual from obtaining such license, certification or registration. This petition shall include details of the individual's civil or criminal record. In response to such petition, the person, board, commission or similar body responsible for licensure, certification or registration shall issue an informal, written advisory opinion which shall not be binding upon such person, board, commission or similar body. The person, board, commission or similar body responsible for licensure, certification or registration shall respond to such petition within 120 days 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 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;
- (2) Kansas highway patrol;
- (3) board of accountancy;
- (4) behavioral sciences regulatory board;
- (5) state board of healing arts;
- (6) state board of pharmacy;
- (7) emergency medical services board;
- (8) board of nursing;
- (9) Kansas real estate commission;
- (10) office of the attorney general;
- (11) department of insurance;
- (12) any municipality as defined in K.S.A. 75-6102, and amendments thereto; and
- (13) any profession that has an educational requirement for licensure that requires a degree beyond a bachelor's degree.

History: L. 1972, ch. 231, § 12; L. 2018, ch. 86, § 1; July 1.