AN ACT concerning licensure by state agencies; relating to felony convictions; amending K.S.A. 74-120 and repealing the existing section.

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

Section 1. K.S.A. 74-120 is hereby amended to read as follows:

(74-120) Notwithstanding any other provision of law, (a) Any person, board, commission or similar body who determines the qualifications of individuals for licensure, certification or registration may consider any felony conviction of the applicant that directly relates to the occupation for which the license is sought, but such a conviction shall not operate as a bar to licensure, certification or registration. (b) In determining whether a felony conviction directly relates to the occupation for which the license is sought, the licensing authority shall consider:

(1) Whether the conviction directly relates to the duties and responsibilities of such occupation;

(2) Whether the occupation offers the opportunity for the same or similar offense to occur;

(3) Whether circumstances leading to the conduct for which the person was convicted will recur in the occupation; and

(4) The length of time since the offense occurred. (c) A licensing authority shall not inquire into or consider the conviction history of an applicant for licensing until after an applicant is found to be otherwise qualified for the license. Licensing applications shall not inquire into an applicant's conviction history. (d) A licensing authority shall not inquire into or consider the following criminal history record information in connection with an application for licensure:

(1) Arrests not followed by a valid conviction;

(2) convictions that have been sealed, dismissed or expunged;

(3) misdemeanor convictions for which no jail sentence can be imposed; and

(4) infractions. (e) The licensing authority shall maintain a record of the number of applicants requiring background checks who are disqualified based on
conviction history.

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 K.S.A. 74-120 is hereby repealed.

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