

**Senate Substitute for
Senate Substitute for HOUSE BILL No. 2386**

By Committee on Federal and State Affairs

3-22

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

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

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

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

25 (2) *If an individual has a criminal record or civil court record that*
26 *would disqualify the individual from receiving a license, certification or*
27 *registration, **other than a conviction for a crime that is a felony or a***
28 ***class A misdemeanor or any conviction for which issuance of such***
29 ***license, certification or registration could conflict with federal law,***
30 *and the individual has not been convicted of any other crime in the ~~last~~ five*
31 *years **{immediately preceding the application for licensure, certification***
32 ***or registration},** such record shall not be used to disqualify the individual*
33 *for licensure, certification or registration for more than five years ~~from the~~*
34 *~~date of conviction unless the conviction is for a crime that is a felony, a~~*
35 *~~class A misdemeanor, a sexually violent crime, as defined in K.S.A. 22-~~*

1 ~~4902, and amendments thereto, or any conviction for which issuance of~~
 2 ~~such licensure, certification or registration could conflict with federal law~~
 3 ~~{after the person satisfied the sentence imposed}.~~

4 (3) *An individual with a civil or criminal record may petition the*
 5 *person, board, commission or similar body responsible for licensure,*
 6 *certification or registration at any time for an informal, written advisory*
 7 *opinion concerning whether the individual's civil or criminal record will*
 8 *disqualify the individual from obtaining such license, certification or*
 9 *registration. This petition shall include details of the individual's civil or*
 10 *criminal record. In response to such petition, the person, board,*
 11 *commission or similar body responsible for licensure, certification or*
 12 *registration shall issue an informal, written advisory opinion which shall*
 13 *not be ninding upon such person, board, commission or similar body. The*
 14 *person, board, commission or similar body responsible for licensure,*
 15 *certification or registration shall respond to such petition within 120 days*
 16 *of receiving the petition from the applicant and may charge up to \$50 for*
 17 *the review and issuance of an informal, written advisory opinion in*
 18 *response to such petition.*

19 (4) *All persons, boards, commissions or similar licensing bodies shall*
 20 *adopt and publicly maintain all necessary rules and regulations for the*
 21 *implementation of this section.*

22 (c) *The provisions of subsection (b) shall not apply to the:*

23 (1) *Kansas commission on peace officers' standards and training;*

24 (2) *Kansas highway patrol;*

25 (3) *board of accountancy;*

26 (4) *behavioral sciences regulatory board;*

27 **{(5) state board of healing arts;**

28 **(6) state board of pharmacy;**

29 **(7) emergency medical services board;**

30 **(8) board of nursing;}**

31 ~~(9)}~~ *any municipality as defined in K.S.A. 75-6102, and*
 32 *amendments thereto; and*

33 ~~(10)}~~ *any profession that has an educational requirement for*
 34 *licensure that requires a degree beyond a bachelor's degree.*

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

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