

SENATE BILL No. 220

By Committee on Federal and State Affairs

3-6

1 AN ACT concerning licensure of professional occupations; amending
2 K.S.A. 74-120 and repealing the existing section.

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

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

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

23 (2) If an individual has a criminal record or civil court record that
24 would disqualify the individual from receiving a license, certification or
25 registration, other than a conviction for a crime that is a felony or a class A
26 misdemeanor or any conviction for which issuance of such license,
27 certification or registration could conflict with federal law, and the
28 individual has not been convicted of any other crime in the five years
29 immediately preceding the application for licensure, certification or
30 registration, such record shall not be used to disqualify the individual for
31 licensure, certification or registration for more than five years after the
32 person satisfied the sentence imposed.

33 (3) An individual with a civil or criminal record may petition the
34 person, board, commission or similar body responsible for licensure,
35 certification or registration at any time for an informal, written advisory
36 opinion concerning whether the individual's civil or criminal record will

1 disqualify the individual from obtaining such license, certification or
2 registration. This petition shall include details of the individual's civil or
3 criminal record. In response to such petition, the person, board,
4 commission or similar body responsible for licensure, certification or
5 registration shall issue an informal, written advisory opinion which shall
6 not be binding upon such person, board, commission or similar body. The
7 person, board, commission or similar body responsible for licensure,
8 certification or registration shall respond to such petition within 120 days
9 of receiving the petition from the applicant and may charge up to \$50 for
10 the review and issuance of an informal, written advisory opinion in
11 response to such petition.

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

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

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

17 (2) Kansas highway patrol;

18 (3) board of accountancy;

19 (4) behavioral sciences regulatory board;

20 (5) state board of healing arts;

21 (6) state board of pharmacy;

22 (7) emergency medical services board;

23 (8) board of nursing;

24 (9) Kansas real estate commission;

25 (10) office of the attorney general;

26 (11) department of insurance;

27 (12) any municipality as defined in K.S.A. 75-6102, and amendments
28 thereto; ~~and~~

29 (13) any profession that has an educational requirement for licensure
30 that requires a degree beyond a bachelor's degree; *and*

31 (14) *state board of education.*

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

33 Sec. 3. This act shall take effect and be in force from and after its
34 publication in the Kansas register.