

1 AN ACT relating to employment.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 335B.010 TO 335B.070 IS
4 CREATED TO READ AS FOLLOWS:

5 *The General Assembly finds a compelling public interest in removing barriers to*
6 *employment opportunities and occupational licenses for citizens of the Commonwealth*
7 *who have been convicted of a crime. Employers can increase their hiring prospects by*
8 *offering positions to this historically untapped pool of willing workers who have*
9 *demonstrated rehabilitative steps taken in preparation to participate in the workforce,*
10 *and reenter society as productive citizens, rather than being defined by a past crime.*

11 ➔SECTION 2. A NEW SECTION OF KRS 335B.010 TO 335B.070 IS
12 CREATED TO READ AS FOLLOWS:

13 *(1) A hiring or licensing authority shall establish and implement an application*
14 *process in which an individual applying for a position of public employment, or*
15 *an occupation for which a professional license is required, may submit his or her*
16 *application, and have that application considered by the authority before*
17 *pursuing any training or specialized education that is required for the position of*
18 *public employment or occupation. The application process shall require the*
19 *hiring or licensing authority to make the following information public:*

20 *(a) That the application process may include a background check by the*
21 *Kentucky State Police, and may require the applicant to submit to*
22 *fingerprinting;*

23 *(b) That a criminal conviction may disqualify an applicant from obtaining a*
24 *position of public employment or an occupational license; and*

25 *(c) That the applicant shall submit the information described in subsection (2)*
26 *of Section 4 of this Act to the hiring or licensing authority within a time*
27 *period determined by the authority of not less than fourteen (14) business*

1 days nor more than thirty (30) business days from the date of application.

2 (2) A hiring or licensing authority shall provide the public notice as described in
3 subsection (1) of this section:

4 (a) To all applicants within fourteen (14) days of application;

5 (b) To all prospective applicants by providing all educational institutions that
6 provide education and training in the areas of study requiring an
7 occupational license to practice; and

8 (c) By placing it on its website.

9 (3) A hiring or licensing authority shall, no later than January 1, 2025:

10 (a) Formulate policies and procedures as necessary to carry out the provisions
11 of subsections (1) and (2) of this section;

12 (b) Promulgate administrative regulations in accordance with KRS Chapter
13 13A related to subsections (1) and (2) of this section; and

14 (c) Provide the Legislative Research Commission for referral to the Interim
15 Joint Committee on Licensing, Occupations, and Administrative
16 Regulations a report by November 1, 2025 to confirm that an application
17 process as described in subsections (1) and (2) of this section has been
18 established and is being utilized.

19 ➔SECTION 3. A NEW SECTION OF KRS 335B.010 TO 335B.070 IS
20 CREATED TO READ AS FOLLOWS:

21 (1) Upon receiving an application for a position of public employment or an
22 occupational license from an individual convicted of a crime, a hiring or
23 licensing authority shall:

24 (a) Request the individual submit the information listed in subsection (2) of
25 Section 4 of this Act to the hiring or licensing authority as required in
26 subsection (1)(c) of Section 2 of this Act;

27 (b) Afford the individual an opportunity for an in-person, telephone, or video

1 hearing; and

2 (c) Evaluate the applicant's testimony and the evidence of items listed in
3 subsection (2) of Section 4 of this Act, and determine if the conviction
4 directly relates to the position of public employment sought or the
5 occupation for which a license is sought.

6 (2) (a) If, after evaluating the evidence as described in subsection (1)(c) of this
7 section, the hiring or licensing authority denies the individual a position of
8 public employment or a license solely because of the individual's prior
9 conviction of a crime, the hiring or licensing authority shall provide the
10 individual with written findings of fact of the following:

11 1. The grounds and reasons for the denial or disqualification, citing facts
12 as they relate to specific items of consideration in subsection (2) of
13 Section 4 of this Act;

14 2. That the individual has the right to a hearing conducted in accordance
15 with KRS Chapter 13B, if a written request for a hearing is made
16 within thirty (30) days after service of written findings of fact;

17 3. The earliest date the person may reapply for a position of public
18 employment or a license; and

19 4. That new or previously submitted evidence of rehabilitation may be
20 considered upon reapplication.

21 (b) Any party aggrieved by a final order issued by a hiring or licensing
22 authority after a hearing under this subsection may appeal to Franklin
23 Circuit Court or the Circuit Court of the county in which the appealing
24 party resides in accordance with KRS Chapter 13B.

25 (3) In any administrative hearing or civil litigation authorized under this section, the
26 hiring or licensing authority shall carry the burden of proof on the question of
27 whether the prior conviction directly relates to the position of employment sought

1 *or the occupation for which the license is sought.*

2 ➔Section 4. KRS 335B.020 is amended to read as follows:

- 3 (1) No person shall be disqualified from public employment, nor shall a person be
4 disqualified from pursuing, practicing, or engaging in any occupation for which a
5 license is required solely because of a prior conviction of a crime, unless the crime
6 for which convicted directly relates to the position of employment sought or the
7 occupation for which the license is sought.
- 8 (2) In determining if a conviction directly relates to the position of public employment
9 sought or the occupation for which the license is sought, the hiring or licensing
10 authority shall consider:
- 11 (a) The nature and seriousness of the crime for which the individual was
12 convicted and the passage of time since its commission;
- 13 (b) The relationship of the crime to the purposes of regulating the position of
14 public employment sought or the occupation for which the license is sought;
- 15 (c) The relationship of the crime to the ability, capacity, and fitness required to
16 perform the duties and discharge the responsibilities of the position of
17 employment or occupation;
- 18 *(d) The individual's criminal history;*
- 19 *(e) The age of the individual when the offense was committed;*
- 20 *(f) A certificate of completion or proof of active participation in a conduct*
21 *rehabilitation program;*
- 22 *(g) A certificate of completion or proof of active participation in a substance*
23 *abuse program;*
- 24 *(h) A certificate of completion or proof of active participation in an educational*
25 *program;*
- 26 *(i) Employment history;*
- 27 *(j) Current family responsibilities;*

1 **(k) Supportive character references and recommendations; and**

2 **(l) Bonding requirements for the occupation for which the license is sought.**

3 ➔Section 5. KRS 335B.030 is amended to read as follows:

4 (1) (a) If a hiring or licensing authority denies an individual a position of public
5 employment **or a license** solely because of the individual's prior conviction of
6 a crime, the hiring or licensing authority shall notify the individual in writing
7 of the following:

8 1. The grounds and reasons for the denial or disqualification;

9 2. That the individual has the right to a hearing conducted in accordance
10 with KRS Chapter 13B, if written request for hearing is made within ten
11 (10) **working** days after service of notice;

12 3. The earliest date the person may reapply for a position of public
13 employment or a license; and

14 4. That evidence of rehabilitation may be considered upon reapplication.

15 (b) Any party aggrieved by a final order issued by a hiring or licensing authority
16 after a hearing under this subsection may appeal to Franklin Circuit Court **or**
17 **the Circuit Court of the county in which the appealing party resides** in
18 accordance with KRS Chapter 13B.

19 (2) (a) ~~Except as provided in paragraph (b) of this subsection,]~~A hiring or licensing
20 authority shall not disqualify an individual from **a position of public**
21 **employment or from** pursuing, practicing, or engaging in any occupation for
22 which a license is required solely because of the individual's prior conviction
23 of a crime, unless the authority provides the individual with a written notice
24 that the authority has determined that the prior conviction may disqualify the
25 person, demonstrates the connection between the prior conviction and the
26 **position of public employment or a** license being sought, and affords the
27 individual an opportunity to be personally heard before the board prior to the

1 board making a decision on whether to disqualify the individual. If the
 2 position of public employment or license is denied after the person was heard,
 3 the hiring or licensing authority shall notify the individual in writing of the
 4 following:

- 5 1. The grounds and reasons for the denial or disqualification;
- 6 2. That the individual has the right to a hearing conducted in accordance
 7 with KRS Chapter 13B, if a written request for hearing is made within
 8 ten (10) working days after service of notice;
- 9 3. The earliest date the person may reapply for a position of public
 10 employment or license; and
- 11 4. That evidence of rehabilitation may be considered upon reapplication.

12 (b) ~~If an individual's prior conviction was for a Class A felony, a Class B felony,~~
 13 ~~or any felony offense that would qualify the individual as a registrant pursuant~~
 14 ~~to KRS 17.500, there shall be a rebuttable presumption that a connection~~
 15 ~~exists between the prior conviction and the license being sought.~~

16 ~~(c)~~ Any party aggrieved by a final order issued by a hiring or licensing authority
 17 after a hearing under this subsection may appeal to Franklin Circuit Court or
 18 the Circuit Court of the county in which the appealing party resides in
 19 accordance with KRS Chapter 13B.

20 (3) ~~Except as provided in subsection (2)(b) of this section,~~ In any administrative
 21 hearing or civil litigation authorized under this section, the hiring or licensing
 22 authority shall carry the burden of proof on the question of whether the prior
 23 conviction directly relates to the position of public employment sought or the
 24 occupation for which the license is sought.

25 (4) The provisions of this section shall not apply to a hiring or licensing authority in
 26 any branch of state government.

27 ➔SECTION 6. A NEW SECTION OF KRS 335B.010 TO 335B.070 IS

1 CREATED TO READ AS FOLLOWS:

2 *Sections 2 and 3 of this Act shall not apply to:*

3 *(1) Cities;*

4 *(2) Counties;*

5 *(3) Urban-county governments;*

6 *(4) Charter county governments;*

7 *(5) Consolidated local governments;*

8 *(6) Unified local governments; or*

9 *(7) Any political subdivisions of entities listed in subsections (1) to (6) of this section.*