

AN ACT relating to offender reentry.

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

➔Section 1. KRS 335B.010 is amended to read as follows:

As used in KRS 335B.020 to 335B.070, unless the context requires otherwise:

- (1) "Occupation" includes all occupations, trades, vocations, professions, businesses, or employment of any kind for which a license is required to be issued by the Commonwealth of Kentucky, its agencies, or political subdivisions.
- (2) "License" includes all licenses, permits, certificates, registrations, or other means required to engage in an occupation which are granted or issued by the Commonwealth of Kentucky, its agents or political subdivisions before a person can pursue, practice, or engage in any occupation.
- (3) "Public Employment" includes all employment with the Commonwealth of Kentucky, its agencies, or political subdivisions.
- (4) "Conviction of crime" shall be limited to convictions of felonies or~~[, high misdemeanors, and]~~ misdemeanors~~[for which a jail sentence may be imposed. No other criminal conviction shall be considered unless moral turpitude is involved].~~
- (5) "Hiring or licensing authority" shall mean the person, board, commission, or department of the Commonwealth of Kentucky, its agencies or political subdivisions, responsible by law for the hiring of persons for public employment or the licensing of persons for occupations.

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

- (1) No person shall be disqualified from public employment, nor shall a person be disqualified from pursuing, practicing, or engaging in any occupation for which a license is required solely because of a prior conviction of a crime, unless the crime for which convicted~~[is one described in KRS 335B.010(4) or otherwise]~~ directly relates to the position of employment sought or the occupation for which the license is sought.

- (2) In determining if a conviction directly relates to the position of public employment sought or the occupation for which the license is sought, the hiring or licensing authority shall consider:
- (a) The nature and seriousness of the crime for which the individual was convicted **and the passage of time since its commission;**
 - (b) The relationship of the crime to the purposes of regulating the position of public employment sought or the occupation for which the license is sought;
 - (c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation.

~~[(3) Nothing in KRS 335B.020 to 335B.070 shall be construed so as to limit the power of the hiring or licensing authority to determine that an individual shall be entitled to public employment or a license regardless of that individual's conviction if the hiring or licensing authority determines that the individual has been successfully rehabilitated.]~~

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

- (1) **(a)** If a hiring or licensing authority denies an individual a position of public employment~~[or disqualifies the individual from pursuing, practicing, or engaging in any occupation for which a license is required,]~~ solely because of the individual's prior conviction of a crime, the hiring or licensing authority shall notify the individual in writing of the following:
- 1.**~~[(a)]~~ The grounds and reasons for the denial or disqualification;
 - 2.**~~[(b)]~~ That the individual has the right to a hearing conducted in accordance with KRS Chapter 13B, if written request for hearing is made within ten (10) days after service of notice;
 - 3.**~~[(c)]~~ The earliest date the person may reapply for a position of public employment~~[or a license];~~ and

~~4.[(d)]~~ That evidence of rehabilitation may be considered upon reapplication.

~~(b) [(2)]~~ Any party aggrieved by a final order issued by a hiring or licensing authority after a hearing under this subsection may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.

(2) (a) A hiring or licensing authority shall not disqualify an individual from pursuing, practicing, or engaging in any occupation for which a license is required solely because of the individual's prior conviction of a crime, unless the authority provides the individual with a written notice that the authority has determined that the prior conviction may disqualify the person, demonstrates the connection between the prior conviction and the license being sought, and affords the individual an opportunity to be personally heard before the board prior to the board making a decision on whether to disqualify the individual. If the license is denied after the person was heard, the hiring or licensing authority shall notify the individual in writing of the following:

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

(b) Any party aggrieved by a final order issued by a hiring or licensing authority after a hearing under this subsection may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.

(3) In any administrative hearing or civil litigation authorized under this section, the hiring or licensing authority shall carry the burden of proof on the question of

whether the prior conviction directly relates to the position of employment sought or the occupation for which the license is sought.

→Section 4. KRS 335B.060 is repealed, reenacted, and amended to read as follows:

Except for peace officers and other law enforcement personnel and unless preempted by federal law, the provisions of KRS 335B.020 to 335B.070 shall prevail over any other laws, rules and regulations which purport to govern the granting, denial, renewal, suspension, or revocation of a license or the initiation, suspension, or termination of public employment on the grounds of conviction of a crime or crimes.

→Section 5. The following KRS section is repealed:
335B.040 Denial of license on ground of absence of good moral character.