

SENATE BILL 276

By Kelsey

AN ACT to amend Tennessee Code Annotated, Title 40,
Chapter 29, relative to the restoration of
citizenship.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 29, Part 1, is amended by adding the following as a new section:

40-29-107

(a) Any person seeking to have the person's rights of citizenship restored pursuant to this part may also petition the court for a certificate of employment restoration as provided in this section.

(b) A petition for employment restoration shall be filed with the same court as the petition for restoration of citizenship rights as provided in § 40-29-105.

(c) A court that receives a person's petition for employment restoration pursuant to this section may issue a certificate of employment restoration, at the court's discretion, if the court finds that the person has established all of the following by a preponderance of evidence:

(1) Granting the petition will materially assist the person in obtaining employment or occupational licensing;

(2) The person has a substantial need for the relief requested in order to live a law-abiding life; and

(3) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

(d) If the court grants the petition for employment restoration, a certificate of employment restoration shall be given to the petitioner for use in obtaining employment. If the court denies the petition, the person may file another petition after one (1) year has elapsed from the date of denial.

(e) No board, agency, commission or other licensing entity that issues licenses or certificates and regulates occupations and trades for which a license or certificate is required to do business in this state shall adopt, maintain, renew or enforce any rule that precludes a person from receiving or renewing an application for a license or certificate based solely on the person's past record of criminal activity or interpretation of moral character if such person presents a valid certificate of employment restoration.

(f)

(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of employment restoration issued to a person pursuant to this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the person to whom the certificate was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of employment restoration issued to a person pursuant to this section shall provide immunity for the employer with respect to the claim if the employer knew of the certificate at the time of the alleged negligence.

(g) The administrative office of the courts shall create a standard petition for employment restoration form to be used to petition the court

for a certificate of employment restoration. Such form shall be placed on the web site of the administrative office of the courts.

SECTION 2. For the purposes of the administrative office of the courts creating a petition for employment restoration form pursuant to § 40-29-107(g), this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2013, the public welfare requiring it.