



AMENDMENT #2

OFFERED IN THE HOUSE BY REPRESENTATIVE EASTMAN
TO: HCS CSSSSB 4(RLS), Draft Version "T"

1 Page 1, line 1, following "Hairdressers;":

2 Insert "relating to licensing of individuals with criminal records;"

4 Page 2, following line 11:

5 Insert a new bill section to read:

6 "* Sec. 2. AS 08.01.077 is amended by adding new subsections to read:

7 (b) Notwithstanding any other provision of this title, the licensing board or
8 department may not consider an arrest that is not followed by a conviction as the basis
9 for the denial or nonrenewal of a license or grounds for disciplinary action.

10 (c) A licensing board and the department shall specify in regulation the
11 criminal convictions that disqualify an applicant from obtaining a license and shall
12 define "good moral character" or "moral turpitude" in regulation if either standard is
13 used by the licensing board or department in determining whether to issue or renew a
14 license. A disqualifying criminal conviction must directly relate to the duties and
15 responsibilities of the applicable licensed occupation.

16 (d) In determining whether to deny a license to an applicant with a criminal
17 conviction, the board or department shall consider

- 18 (1) the nature and seriousness of the crime;
- 19 (2) the amount of time that has passed since the conviction;
- 20 (3) the relationship between the nature of the crime and the duties and
- 21 responsibilities of the occupation for which the license is sought; and
- 22 (4) evidence of rehabilitation or treatment undertaken by the applicant
- 23 since the conviction.

1 (e) Notwithstanding any other provision of this title, the licensing board or
2 department may not disqualify an applicant for more than three years from the later of
3 the date of the most recent criminal conviction or release from incarceration based on
4 a criminal conviction, unless the

5 (1) disqualifying conviction is for a violation of AS 11.41 or a crime in
6 another jurisdiction that has similar elements; or

7 (2) applicant has been convicted of any other crime during the
8 disqualification period.

9 (f) An individual with a conviction of record may petition the licensing board
10 or department for a determination of whether the individual's conviction will
11 disqualify the individual from obtaining a license. The licensing board or department
12 may charge a fee not to exceed \$25 for each petition. The board or department shall
13 inform the individual of its determination within 30 days after receiving the
14 individual's application.

15 (g) If the board or department denies an application based on an applicant's
16 prior criminal conviction, the board or department shall notify the applicant

17 (1) of the grounds and reasons for the denial or disqualification;

18 (2) of the applicant's right to a hearing;

19 (3) of the earliest date the applicant may reapply for the license; and

20 (4) that evidence of rehabilitation or treatment may be considered upon
21 reapplication.

22 (h) Before denying an application, the board or the department shall find, by
23 substantial evidence in light of the whole record, that an applicant's criminal
24 conviction is a disqualifying conviction and is directly related to the duties and
25 responsibilities of the licensed occupation. The board or department shall document
26 written findings for each of the factors under (d) of this section.

27 (i) The board or department shall have the burden of proof to show that a
28 disqualifying criminal conviction directly relates to the occupation for which the
29 license is sought."
30

31 Renumber the following bill sections accordingly.

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2 Page 17, line 11, following "by":

3 Insert "secs. 1 and 3 - 33 of"

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5 Page 17, line 15:

6 Delete "Section 33"

7 Insert "Section 34"

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9 Page 17, line 16:

10 Delete "Sec. 35"

11 Insert "Sec. 36"