

HOUSE BILL No. 2677

By Committee on Corrections and Juvenile Justice

2-10

1 AN ACT concerning licensure by state agencies; relating to felony
2 convictions; amending K.S.A. 74-120 and repealing the existing
3 section.

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

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

13 (b) *In determining whether a felony conviction directly relates to the*
14 *occupation for which the license is sought, the licensing authority shall*
15 *consider:*

16 (1) *Whether the conviction directly relates to the duties and*
17 *responsibilities of such occupation;*

18 (2) *whether the occupation offers the opportunity for the same or*
19 *similar offense to occur;*

20 (3) *whether circumstances leading to the conduct for which the*
21 *person was convicted will recur in the occupation; and*

22 (4) *the length of time since the offense occurred.*

23 (c) *A licensing authority shall not inquire into or consider the*
24 *conviction history of an applicant for licensing until after an applicant is*
25 *found to be otherwise qualified for the license. Licensing applications*
26 *shall not inquire into an applicant's conviction history.*

27 (d) *A licensing authority shall not inquire into or consider the*
28 *following criminal history record information in connection with an*
29 *application for licensure:*

30 (1) *Arrests not followed by a valid conviction;*

31 (2) *convictions that have been sealed, dismissed or expunged;*

32 (3) *misdemeanor convictions for which no jail sentence can be*
33 *imposed; and*

34 (4) *infractions.*

35 (e) *The licensing authority shall maintain a record of the number of*
36 *applicants requiring background checks who are disqualified based on*

1 *conviction history.*

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 K.S.A. 74-120 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its

4 publication in the statute book.