

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S

D

SENATE BILL 33*
PROPOSED COMMITTEE SUBSTITUTE S33-PCS75095-RK-6

Short Title: Use of Criminal History Records by Lic. Bds.

(Public)

Sponsors:

Referred to:

February 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER
3 CERTAIN FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH
4 CRIMINAL RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE
5 ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Chapter 93B of the General Statutes is amended by adding a new
8 section to read:

9 **"§ 93B-8.1. Use of criminal history records.**

10 (a) The following definitions apply in this section:

11 (1) Applicant. – A person who makes application for licensure from an
12 occupational licensing board.

13 (2) Board. – An occupational licensing board as defined in G.S. 93B-1.

14 (3) Criminal history record. – A State or federal history of conviction of a crime,
15 whether a misdemeanor or felony, that bears upon an applicant's or a
16 licensee's fitness to be licensed or disciplined.

17 (4) Licensee. – A person who has obtained a license to engage in or represent
18 himself or herself to be a member of a particular profession or occupation.

19 (b) Unless the law governing a particular occupational licensing board provides
20 otherwise, a board shall not automatically deny licensure on the basis of an applicant's criminal
21 history. If the board is authorized to deny a license to an applicant on the basis of conviction of
22 any crime or for commission of a crime involving fraud or moral turpitude, and the applicant's
23 verified criminal history record reveals one or more convictions of any crime, the board may
24 deny the license if it finds that denial is warranted after consideration of the following factors:

25 (1) The level and seriousness of the crime.

26 (2) The date of the crime.

27 (3) The age of the person at the time of the crime.

28 (4) The circumstances surrounding the commission of the crime, if known.

29 (5) The nexus between the criminal conduct and the prospective duties of the
30 applicant as a licensee.

31 (6) The prison, jail, probation, parole, rehabilitation, and employment records of
32 the applicant since the date the crime was committed.

33 (7) The subsequent commission of a crime by the applicant.

34 (8) Any affidavits or other written documents, including character references.



* S 3 3 - P C S 7 5 0 9 5 - R K - 6 *

1 (c) The board may deny licensure to an applicant who refuses to consent to a criminal
2 history record check or use of fingerprints or other identifying information required by the State
3 or National Repositories of Criminal Histories.

4 (d) This section does not apply to The North Carolina Criminal Justice Education and
5 Training Standards Commission and the North Carolina Sheriffs' Education and Training
6 Standards Commission."

7 **SECTION 2.** This act is effective when it becomes law.