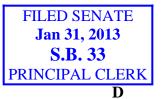
## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2013



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## SENATE DRS35006-ROz-1\* (12/03)

Short Title:	Use of Criminal History Records by Lic. Bds.	(Public)
Sponsors:	Senator Hartsell (Primary Sponsor).	
Referred to:		

## A BILL TO BE ENTITLED

2	AN ACT TO F	REQUIRE THAT OCCUPATIONAL LICENSING BOARDS CONSIDER
3	CERTAIN H	FACTORS BEFORE DENYING LICENSES TO APPLICANTS WITH
4	CRIMINAL	RECORDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE
5	ADMINISTR	ATIVE PROCEDURE OVERSIGHT COMMITTEE.
6	The General Asso	embly of North Carolina enacts:
7	SECT	<b>TON 1.</b> Chapter 93B of the General Statutes is amended by adding a new
8	section to read:	
9	" <u>§ 93B-8.1. Use</u>	of criminal history records.
10	(a) The fo	blowing definitions apply in this section:
11	<u>(1)</u>	Applicant A person who makes application for licensure from an
12		occupational licensing board.
13	<u>(2)</u>	Board. – An occupational licensing board as defined in G.S. 93B-1.
14	<u>(3)</u>	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	<u>(4)</u>	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) Unles	s the law governing a particular occupational licensing board provides
20	otherwise, a boar	d shall not automatically deny licensure on the basis of an applicant's criminal
21		ard 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 i	f it finds that denial is warranted after consideration of the following factors:
25	<u>(1)</u>	The level and seriousness of the crime.
26	<u>(2)</u>	The date of the crime.
27	<u>(3)</u>	The age of the person at the time of the crime.
28	<u>(4)</u>	The circumstances surrounding the commission of the crime, if known.
29	<u>(5)</u>	The nexus between the criminal conduct and the prospective duties of the
30		applicant as a licensee.
31	<u>(6)</u>	The prison, jail, probation, parole, rehabilitation, and employment records of
32		the applicant since the date the crime was committed.
33	<u>(7)</u>	The subsequent commission of a crime by the applicant.



	General	Assembly of North Carolina Session 2013	
1	<u>(c)</u>	The board may deny licensure to an applicant who refuses to consent to a criminal	

- 1 <u>(c)</u> history record check or use of fingerprints or other identifying information required by the State or National Repositories of Criminal Histories." SECTION 2. This act is effective when it becomes law. 2 3
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