

House Bill 124: Occupational Licensing and Public Employment of Former Offenders



Prepared for: Chair Matthew Koch
Kentucky House Licensing, Occupations, & Administrative Regulations Committee

Prepared by: Vittorio Nastasi, Director of Criminal Justice Policy, Reason Foundation

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Dear Chair Koch and members of the committee:

Thank you for the opportunity to submit comments for your review. Research consistently indicates that access to gainful employment can be a key factor in reintegrating former criminal offenders into society and reducing the risk they will reoffend. However, burdensome occupational licensing restrictions make it difficult for people with criminal records to find work and have been linked to higher rates of property crime and recidivism. House Bill 124 would reduce these barriers while maintaining the protections appropriate for ensuring public safety.

An occupational license serves as a government-issued stamp of approval to enter into certain regulated occupations. To obtain a license, workers are typically required to complete training and education requirements, pay fees, and apply for consideration by an appointed board. In addition to these burdensome requirements, state laws and regulations often make it particularly difficult or even impossible for individuals with criminal records to obtain occupational licenses, effectively barring former offenders from potential employment opportunities.

In 2017, Kentucky adopted reforms that prohibit licensing boards from denying licensure unless the applicant's criminal record directly relates to the occupation for which a license is being sought. Boards must provide individualized consideration of factors, including the passage of time since an applicant's prior conviction. The 2017 reforms also prevent boards from denying licensure based on vague assessments of an applicant's "moral character," require boards to provide a written explanation for denials, and provide opportunities for applicants to appeal a denial based on their criminal history.

These prior reforms were a good first step, but there is still room for improvement in Kentucky. For example, it is not always clear whether an individual's criminal history would preclude them from licensure until they have completed the required education and training and submitted their application. H.B. 124 would create a process by which prospective applicants could receive a determination as to whether their conviction record would make them ineligible for licensure before investing in training and education. At least 23 other states have adopted similar pre-qualification processes to reduce the uncertainty experienced by applicants with prior convictions.

H.B. 124 additionally provides further guidance to licensing boards for determining whether a prior conviction directly relates to the occupation. The legislation would require greater specificity in written denial notices. These changes are consistent with Kentucky's prior efforts to ensure that applicants are given individualized consideration and have opportunities for reconsideration and appeal.

Thank you for your time and consideration.

Vittorio Nastasi
Director of Criminal Justice Policy, Reason Foundation