

335B.032 Determination of whether conviction of crime disqualifies individual from employment or occupation -- Application policy -- Administrative regulations -- Report.

- (1) Any hiring or licensing authority that considers a criminal background check as part of its application process shall establish and implement a process by which an individual who has been convicted of a crime can obtain a determination about whether the crime will disqualify the individual from a position of public employment or an occupation for which a professional license is required.
- (2) When a criminal background check is required by a hiring or licensing authority under subsection (1) of this section, an individual may submit his or her application and have that application considered by the authority before pursuing any training or specialized education that is required for the position of public employment or an occupation for which a professional license is required. A hiring or licensing authority shall:
 - (a) Request that the individual submit the information listed in KRS 335B.020(2) to the hiring or licensing authority within a reasonable time as determined by the authority;
 - (b) Afford the individual an opportunity for an in-person, telephone, or video hearing; and
 - (c) Evaluate the applicant's testimony and the evidence of items listed in KRS 335B.020(2) and determine if the conviction relates to the position of public employment sought or the occupation for which a license is sought prior to taking any action on the application.
- (3) A determination made in accordance with this section that a person is not disqualified from a position of public employment or an occupation for which a professional license is required due to criminal history shall be binding upon a hiring or licensing authority unless, at the time a full application for a position of public employment or an occupation for which a license is required is submitted, the applicant has subsequently been convicted of a crime or has any previously undisclosed convictions of a crime.
- (4) A hiring or licensing authority shall display on its website its application policy and procedures pertaining to an individual with a criminal background. The application instructions shall include the following:
 - (a) That the application process may include a background check by the Department of Kentucky State Police or the Administrative Office of the Courts and may require the applicant to submit to fingerprinting;
 - (b) That a criminal conviction may disqualify an applicant from obtaining a position of public employment or an occupational license; and
 - (c) That the applicant shall submit the information described in KRS 335B.020(2) to the hiring or licensing authority within a reasonable time determined by the authority.
- (5) A hiring or licensing authority shall provide the public notice as described in subsection (4) of this section:
 - (a) To all applicants within fourteen (14) days of application or selection for an

interview; and

- (b) To educational institutions that provide education and training in the areas of study requiring an occupational license to practice for prospective applicants.
- (6) A hiring or licensing authority shall:
- (a) No later than January 1, 2027:
 - 1. Formulate policies and procedures as necessary to carry out the provisions of this section; and
 - 2. Promulgate administrative regulations in accordance with KRS Chapter 13A related to this section; and
 - (b) Provide the Legislative Research Commission for referral to the Interim Joint Committee on Licensing, Occupations, and Administrative Regulations a report by November 1, 2027, to confirm that an application process as described in this section has been established and is being utilized.

Effective: April 10, 2026

History: Created 2026 Ky. Acts ch. 72, sec. 2, effective April 10, 2026.