

335B.030 Written findings of fact when denying position of public employment or license based on prior criminal conviction -- Connection between prior conviction and license sought required -- Hearings and appeals -- Burden of proof.

- (1) (a) If, after evaluating the evidence as described in KRS 335B.020(2), a hiring or licensing authority denies an individual a position of public employment or a license solely because of the individual's prior conviction of a crime, the hiring or licensing authority shall provide the individual with written findings of fact, including but not limited to the following:
 1. The grounds and reasons for the denial or disqualification, citing facts as they relate to specific items of consideration in KRS 335B.020(2);
 2. That the individual has the right to a hearing conducted in accordance with KRS Chapter 13B, if written request for hearing is made within ten (10) working days after service of notice;
 3. The earliest date the person may reapply for a position of public employment or a license; and
 4. That new or previously submitted evidence of rehabilitation may be considered upon reapplication.
- (b) Any party aggrieved by a final order issued by a hiring or licensing authority after a hearing under this subsection may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides in accordance with KRS Chapter 13B.
- (2) (a) A hiring or licensing authority shall not disqualify an individual from a position of public employment or from pursuing, practicing, or engaging in any occupation for which a license is required solely because of the individual's prior conviction of a crime, unless the authority provides the individual with a written notice that the authority has determined that the prior conviction may disqualify the person, demonstrates the connection between the prior conviction and the position of public employment or license being sought, and affords the individual an opportunity to be personally heard before the board prior to the board making a decision on whether to disqualify the individual. If the position of public employment or license is denied after the person was heard, the hiring or licensing authority shall notify the individual in writing of the following:
 1. The grounds and reasons for the denial or disqualification;
 2. That the individual has the right to a hearing conducted in accordance with KRS Chapter 13B, if a written request for hearing is made within ten (10) working days after service of notice;
 3. The earliest date the person may reapply for a position of public employment or license; and
 4. That evidence of rehabilitation may be considered upon reapplication.
- (b) Any party aggrieved by a final order issued by a hiring or licensing authority after a hearing under this subsection may appeal to Franklin Circuit Court or the Circuit Court of the county in which the appealing party resides in

accordance with KRS Chapter 13B.

- (3) In any administrative hearing or civil litigation authorized under this section, the hiring or licensing authority shall carry the burden of proof on the question of whether the prior conviction directly relates to the position of public employment sought or the occupation for which the license is sought.

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History: Amended 2026 Ky. Acts ch. 72, sec. 4, effective April 10, 2026. -- Amended 2017 Ky. Acts ch. 158, sec. 31, effective June 29, 2017. -- Amended 1996 Ky. Acts ch. 318, sec. 312, effective July 15, 1996. -- Created 1978 Ky. Acts ch. 210, sec. 3, effective June 17, 1978.