

335B.020 Disqualification from public employment or occupational license because of prior criminal conviction prohibited -- Items submitted by applicant -- Rebuttable presumption for person who obtains certificate of employability under KRS 196.281.

- (1) A person shall not be disqualified from public employment or from pursuing, practicing, or engaging in any occupation for which a license is required solely because of a:
 - (a) Prior conviction of a crime, unless the crime for which the person was convicted directly relates to the position of employment sought or the occupation for which the license is sought; or
 - (b) Finding that an applicant lacks good character or fails to meet any other similar standard where a criminal conviction is the sole basis for the finding.
- (2) In determining if a conviction directly relates to the position of public employment sought or the occupation for which the license is sought, the hiring or licensing authority shall consider items submitted by the applicant, which may include:
 - (a) The individual's criminal history, including but not limited to:
 1. The nature and seriousness of the crime;
 2. The individual's age when the offense was committed;
 3. The length of time since the offense was committed;
 4. The relationship of the crime to the public employment position sought or the occupation for which the license is sought; and
 5. The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the public employment position or licensed occupation;
 - (b) Any bonding requirements for the occupation for which the license is sought; and
 - (c) Any evidence of rehabilitation submitted by the applicant, including but not limited to evidence related to the person's compliance with any conditions of community supervision, parole, or mandatory supervision, the conduct and work activity of the person, treatment undertaken by the person, and testimonials or personal reference statements.
- (3) There shall be a rebuttable presumption for any occupational license that requires good moral character that the person applying for the license is of good moral character if, after the criminal conviction, the person obtains a certificate of employability pursuant to KRS 196.281 and the certificate has not been revoked. This rebuttable presumption shall not apply if the conviction would qualify the individual as a registrant as defined in KRS 17.500.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 64, sec. 4, effective July 15, 2026; and ch. 72, sec. 3, effective April 10, 2026. -- Amended 2017 Ky. Acts ch. 158, sec. 30, effective June 29, 2017. -- Created 1978 Ky. Acts ch. 210, sec. 2, effective June 17, 1978.

Legislative Research Commission Note (7/15/2026). This statute was amended by 2026 Ky. Acts chs. 64 and 72, which do not appear to be in conflict and have been

codified together.