

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2024 REGULAR SESSION
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Amend printed copy of **HB 124/HCS 1**

On page 1, line 26, after "Section", delete "3" and insert "4" in lieu thereof; and

On page 2, between lines 18 and 19, insert:

"➔SECTION 3. A NEW SECTION OF KRS 335B.010 TO 335B.070 IS CREATED TO READ AS FOLLOWS:

(1) Upon receiving an application for a position of public employment or an occupational license from an individual convicted of a crime, a hiring or licensing authority shall:

(a) Request the individual submit the information listed in subsection (2) of Section 4 of this Act to the hiring or licensing authority as required in subsection (1)(c) of Section 2 of this Act;

(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 subsection (2) of Section 4 of this Act, and determine if the conviction directly relates to the position of public employment sought or the occupation for which a license is sought.

(2) (a) If, after evaluating the evidence as described in subsection (1)(c) of this section, the hiring or licensing authority denies the individual a position of public employment or a license solely because of the individual's prior conviction of a crime, the hiring

Amendment No. HFA 1

Rep. Rep. Emily Callaway

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRD Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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or licensing authority shall provide the individual with written findings of fact of the following:

1. The grounds and reasons for the denial or disqualification, citing facts as they relate to specific items of consideration in subsection (2) of Section 4 of this Act;
2. That the individual has the right to a hearing conducted in accordance with KRS Chapter 13B, if a written request for a hearing is made within thirty (30) days after service of written findings of fact;
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.

(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 employment sought or the occupation for which the license is sought."; and

Renumber subsequent sections accordingly; and

On page 3, line 20, and continuing on through page 5, line 26, delete Section 4 in its entirety and insert the following in lieu thereof:

"➔Section 5. KRS 335B.030 is amended to read as follows:

(1) (a) If a hiring or licensing authority denies an individual a position of public employment

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or a license solely because of the individual's prior conviction of a crime, 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 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 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) ~~[Except as provided in paragraph (b) of this subsection,]~~ 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 a 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:

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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) ~~If an individual's prior conviction was for a Class A felony, a Class B felony, or any felony offense that would qualify the individual as a registrant pursuant to KRS 17.500, there shall be a rebuttable presumption that a connection exists between the prior conviction and the license being sought.~~
- (c) ~~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) ~~Except as provided in subsection (2)(b) of this section, 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.~~
- (4) The provisions of this section shall not apply to a hiring or licensing authority in any branch of state government.**"; and

Renumber subsequent sections accordingly; and

On page 5, line 27, and continuing on through page 6, line 12, delete Section 5 in its entirety and insert the following in lieu thereof:

"➔SECTION 6. A NEW SECTION OF KRS 335B.010 TO 335B.070 IS CREATED TO

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READ AS FOLLOWS:

Sections 2 and 3 of this Act shall not apply to:

(1) Cities;

(2) Counties;

(3) Urban-county governments;

(4) Charter county governments;

(5) Consolidated local governments;

(6) Unified local governments; or

(7) Any political subdivisions of entities listed in subsections (1) to (6) of this section."