

1 AN ACT relating to employment.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS 335B.010 TO 335B.070 IS
4 CREATED TO READ AS FOLLOWS:

5 *The General Assembly finds a compelling public interest in removing barriers to*
6 *employment opportunities and occupational licenses for citizens of the Commonwealth*
7 *who have been convicted of a crime. Employers can increase their hiring prospects by*
8 *offering positions to this historically untapped pool of workers who have taken*
9 *rehabilitative steps in preparation for participation in the workforce, and reenter*
10 *society as productive citizens, rather than being defined by a past crime.*

11 ➔SECTION 2. A NEW SECTION OF KRS 335B.010 TO 335B.070 IS
12 CREATED TO READ AS FOLLOWS:

13 *(1) If a hiring or licensing authority considers a criminal background check as part*
14 *of their application process, the authority shall establish and implement a process*
15 *in which an individual who has been convicted of a crime can obtain a*
16 *determination about whether the crime will disqualify the individual from a*
17 *position of public employment or an occupation for which a professional license*
18 *is required. A hiring or licensing authority shall display on its website its*
19 *application policy and procedures pertaining to an individual with a criminal*
20 *background. The application instructions shall include the following:*

21 *(a) That the application process may include a background check by the*
22 *Kentucky State Police or the Administrative Office of the Courts, and may*
23 *require the applicant to submit to fingerprinting;*

24 *(b) That a criminal conviction may disqualify an applicant from obtaining a*
25 *position of public employment or an occupational license; and*

26 *(c) That the applicant shall submit the information described in subsection (2)*
27 *of Section 3 of this Act to the hiring or licensing authority within a*

- 1 reasonable time determined by the authority.
- 2 (2) A hiring or licensing authority shall provide the public notice as described in
3 subsection (1) of this section:
- 4 (a) To all applicants within fourteen (14) days of application or selection for an
5 interview; and
- 6 (b) To educational institutions that provide education and training in the areas
7 of study requiring an occupational license to practice for prospective
8 applicants.
- 9 (3) A hiring or licensing authority shall:
- 10 (a) No later than January 1, 2026:
- 11 1. Formulate policies and procedures as necessary to carry out the
12 provisions of subsections (1) and (2) of this section; and
- 13 2. Promulgate administrative regulations in accordance with KRS
14 Chapter 13A related to subsections (1) and (2) of this section; and
- 15 (b) Provide the Legislative Research Commission for referral to the Interim
16 Joint Committee on Licensing, Occupations, and Administrative
17 Regulations a report by November 1, 2026, to confirm that an application
18 process as described in subsections (1) and (2) of this section has been
19 established and is being utilized.

20 ➔Section 3. KRS 335B.020 is amended to read as follows:

- 21 (1) No person shall be disqualified from public employment, nor shall a person be
22 disqualified from pursuing, practicing, or engaging in any occupation for which a
23 license is required solely because of a prior conviction of a crime, unless the crime
24 for which convicted directly relates to the position of employment sought or the
25 occupation for which the license is sought.
- 26 (2) In determining if a conviction directly relates to the position of public employment
27 sought or the occupation for which the license is sought, the hiring or licensing

1 authority shall consider:

2 (a) The individual's criminal history including but not limited to:

3 1. The nature and seriousness of the crime;

4 2. The individual's age when the offense was committed;

5 3. The length of time since the offense was committed;

6 4. The relationship of the crime to the public employment position
7 sought or the occupation for which the license is sought; and

8 5. The relationship of the crime to the ability, capacity, and fitness
9 required to perform the duties and discharge the responsibilities of the
10 public employment position or licensed occupation;

11 (b) The individual's employment history;

12 (c) The individual's current financial support and legal responsibilities for his
13 or her dependents;

14 (d) A certificate or proof of active participation in a behavioral, substance
15 abuse, or educational program;

16 (e) The individual's supportive character references and recommendations;
17 and

18 (f) Any bonding requirements for the occupation for which the license is
19 sought.

20 (3) The hiring or licensing authority's decision regarding the person's criminal
21 record shall be binding on the hiring or licensing authority regarding the
22 person's subsequent application unless there is an adverse change in the person's
23 criminal record

24 ~~[The nature and seriousness of the crime for which the individual was convicted~~
25 ~~and the passage of time since its commission;~~

26 ~~(b) The relationship of the crime to the purposes of regulating the position of~~
27 ~~public employment sought or the occupation for which the license is sought;~~

1 ~~(e) The relationship of the crime to the ability, capacity, and fitness required to~~
2 ~~perform the duties and discharge the responsibilities of the position of~~
3 ~~employment or occupation].~~

4 ➔Section 4. KRS 335B.030 is amended to read as follows:

5 (1) (a) *When a criminal background check is required by a hiring or licensing*
6 *authority, an individual may submit his or her application and have that*
7 *application considered by the authority before pursuing any training or*
8 *specialized education that is required for the position of public employment*
9 *or occupation. A hiring or licensing authority shall:*

10 *1. Request that the individual submit the information listed in subsection*
11 *(2) of Section 3 of this Act to the hiring or licensing authority within a*
12 *reasonable time as determined by the authority;*

13 *2. Afford the individual an opportunity for an in-person, telephone, or*
14 *video hearing; and*

15 *3. Evaluate the applicant's testimony and the evidence of items listed in*
16 *subsection (2) of Section 3 of this Act, and determine if the conviction*
17 *relates to the position of public employment sought or the occupation*
18 *for which a license is sought.*

19 **(b)** *If, after evaluating the evidence as described in subsection (1)(a) of this*
20 *section,* a hiring or licensing authority denies an individual a position of
21 public employment *or a license* solely because of the individual's prior
22 conviction of a crime, the hiring or licensing authority shall *provide the*
23 *individual with written findings of fact including but not limited to*~~notify~~
24 ~~the individual in writing of the following]:~~

25 1. The grounds and reasons for the denial or disqualification, *citing facts*
26 *as they relate to specific items of consideration in subsection (2) of*
27 *Section 3 of this Act;*

- 1 2. That the individual has the right to a hearing conducted in accordance
- 2 with KRS Chapter 13B, if written request for hearing is made within ten
- 3 (10) working days after service of notice;
- 4 3. The earliest date the person may reapply for a position of public
- 5 employment or a license; and
- 6 4. That new or previously submitted evidence of rehabilitation may be
- 7 considered upon reapplication.

8 ~~(c)~~~~(b)~~ Any party aggrieved by a final order issued by a hiring or licensing
 9 authority after a hearing under this subsection may appeal to Franklin Circuit
 10 Court or the Circuit Court of the county in which the appealing party
 11 resides in accordance with KRS Chapter 13B.

12 (2) (a) ~~[Except as provided in paragraph (b) of this subsection,]~~ A hiring or licensing
 13 authority shall not disqualify an individual from a position of public
 14 employment or from pursuing, practicing, or engaging in any occupation for
 15 which a license is required solely because of the individual's prior conviction
 16 of a crime, unless the authority provides the individual with a written notice
 17 that the authority has determined that the prior conviction may disqualify the
 18 person, demonstrates the connection between the prior conviction and the
 19 position of public employment or a license being sought, and affords the
 20 individual an opportunity to be personally heard before the board prior to the
 21 board making a decision on whether to disqualify the individual. If the
 22 position of public employment or license is denied after the person was heard,
 23 the hiring or licensing authority shall notify the individual in writing of the
 24 following:

- 25 1. The grounds and reasons for the denial or disqualification;
- 26 2. That the individual has the right to a hearing conducted in accordance
- 27 with KRS Chapter 13B, if a written request for hearing is made within

1 ten (10) **working** days after service of notice;

2 3. The earliest date the person may reapply for a **position of public**
3 **employment or** license; and

4 4. That evidence of rehabilitation may be considered upon reapplication.

5 (b) ~~[If an individual's prior conviction was for a Class A felony, a Class B felony,~~
6 ~~or any felony offense that would qualify the individual as a registrant pursuant~~
7 ~~to KRS 17.500, there shall be a rebuttable presumption that a connection~~
8 ~~exists between the prior conviction and the license being sought.~~

9 ~~(c)~~ Any party aggrieved by a final order issued by a hiring or licensing authority
10 after a hearing under this subsection may appeal to Franklin Circuit Court **or**
11 **the Circuit Court of the county in which the appealing party resides** in
12 accordance with KRS Chapter 13B.

13 (3) ~~[Except as provided in subsection (2)(b) of this section,]~~In any administrative
14 hearing or civil litigation authorized under this section, the hiring or licensing
15 authority shall carry the burden of proof on the question of whether the prior
16 conviction directly relates to the position of **public** employment sought or the
17 occupation for which the license is sought.

18 ➔SECTION 5. A NEW SECTION OF KRS 335B.010 TO 335B.070 IS
19 CREATED TO READ AS FOLLOWS:

20 **Section 2 of this Act shall not apply to:**

21 **(1) Cities;**

22 **(2) Counties;**

23 **(3) Urban-county governments;**

24 **(4) Charter county governments;**

25 **(5) Consolidated local governments;**

26 **(6) Unified local governments; or**

27 **(7) Any political subdivisions of any entity listed in subsections (1) to (6) of this**

1 section.