

**ACLU-PA Position: Support**

### Bill summary

[SB 637](#) and [HB 1477](#) are identical bills introduced in both chambers of the Pennsylvania General Assembly that, if passed, would ensure that individuals with a criminal record are not automatically excluded from earning an occupational license simply because of their criminal history.

### Bill details

These bills would make changes to how departments or commissions that are authorized to license, certify, register, or permit the practice of trades, occupations, or professions consider criminal records when issuing a license, including the following:

#### Use of criminal records

Under SB 637/HB 1477, criminal convictions cannot automatically prevent granting someone an occupational license.

#### Prohibited use of information

SB 637 and HB 1477 would add the following to the list of information that cannot be used when issuing or denying a license:

- Convictions that are subject to limited access under sections 9122.1 (petition for limited access), and 9122.2 (clean slate limited access);
- Convictions that do not directly relate to the trade, occupation, or profession for which the license, certificate, registration or permit is sought; and
- Adjudications of delinquency.

#### Refusal, renewal, suspension, or revocation

Occupational licensing departments can refuse to grant, renew, suspend, or revoke a license based in whole or in part on a conviction of a crime if all of the following apply:

- The applicant is convicted of a felony or a misdemeanor that directly relates to the trade, occupation, or profession for which the license, certificate, registration, or permit is sought, and
- The board, commission, or department has conducted an individualized assessment of the relation of the conviction to the applicant's overall suitability to engage in the trade. The assessment has to include consideration of:
  - The particular facts or circumstances surrounding the offense or criminal conduct;
  - The length of time since the offense or criminal conduct occurred; and
  - The grade and seriousness of the offense or criminal conduct.

### Exceptions

Occupational licensing departments can't deny a license if the person can provide mitigating information, or proof of rehabilitation and fitness to perform the duties of the trade.

If criminal conduct is directly related to the license being sought, certifying agencies must consider relevant proof of any factors that refute a presumptive disqualification or show rehabilitation, including:

- Facts or circumstances regarding the offense or criminal conduct;
- Number of offenses for which the applicant was convicted;
- Increase in age and maturity of the applicant since the date of the conviction for the offense or release from a correctional institution;
- The applicant's criminal history, or lack thereof, after the date of the offense or criminal conduct while engaged in the same or similar trade for which the license, certificate, registration, or permit is sought;
- Length and consistency of employment history before and after the date of the offense or criminal conduct;
- Participation in education or training activities;
- Employment or character references and any other information regarding fitness for the trade for which the license, certificate, registration, or permit is sought;
- Whether the applicant is bonded under a Federal, State, or local bonding program; and
- Any other factors to refute a disqualification for a license or relevant individual circumstances that show rehabilitation.

### **Petitions**

Before a person actually applies for a license or seeks out education or training for a license, they can petition the agency at any time and ask for a preliminary decision on whether their criminal record might disqualify them from receiving a license. This allows a person to avoid pursuing an education or training for a field in which they are not likely to be granted a license to work.

### **Bill status**

- Read the bills and check the current status of [SB 637](#) and [HB 1477](#).