



HOUSE BILL 770: Freedom to Work.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Finance. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 28, 2019
Introduced by:	Reps. Stevens, Bell, Jones, Zachary	Prepared by:	Tawanda N. Foster Committee Co-Counsel
Analysis of:	PCS to First Edition H770-CSTVf-20		

OVERVIEW: *The PCS to House Bill 770 does the following:*

- *Requires administrative agencies, governmental officials, and courts in civil proceedings to consider a certificate of relief favorably.*
- *Clarifies standards for a licensing board's use of an applicant's criminal history in making determinations.*
- *Requires recognition by licensing boards of certain apprenticeship and training experiences.*

The PCS clarifies that apprenticeship and training requirements do not apply to occupational licensing boards governing professions that require a college or advanced degree.

CURRENT LAW:

Article 6 of Chapter 15A of the General Statutes governs Certificates of Relief. An individual may petition a court for a Certificate of Relief to relieve some of the collateral consequences associated with criminal convictions that could impede their reintegration into society. A petitioner may obtain a certificate of relief if he or she has three or fewer prior Class H or I felony convictions, as well as any prior misdemeanor convictions. If the felony convictions occurred during the same session of court, the convictions count as a single conviction. Unlike an expunction order, which is confidential, the issuance, modification, and revocation of a certificate of relief is a public record.

Chapter 93B governs occupational licensing boards. G.S. 93B-1 defines occupational licensing boards as "any board, committee, commission, or other agency in North Carolina which is established for the primary purpose of regulating the entry of persons into, and/or the conduct of persons within, a particular profession or occupation, and which is authorized to issue licenses." State agencies, staffed by full-time State employees, which as a part of their regular functions may issue licenses are not occupational licensing boards.

BILL ANALYSIS:

Section 1 requires an administrative agency, governmental official, or civil court to consider a Certificate of Relief favorably in determining whether a conviction should result in a disqualification.

Section 2 provides the following:

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- Prevents an occupational licensing board from automatically denying licensure because of an applicant's criminal history unless a federal law governing a particular occupation requires the denial.
- Requires an occupational licensing board to find by clear and convincing evidence that the applicant's criminal history is directly related to the duties and responsibilities for the licensed occupation, if the board is authorized to deny a license due to the conviction of a crime and the applicant's verified criminal history record reveals one or more convictions of any crime.
- Requires an occupational licensing board to consider Certificates of Relief favorably.
- Allows individuals with a criminal history to petition an occupational licensing board for a determination as to whether or not the individual's criminal history will disqualify the person from obtaining a license. This petition may be filed at any time including before an individual starts or completes any mandatory education or training requirements. The board must notify the individual of their determination within 90 days and the board may charge a fee of not more than \$25.00 for each petition. If the person's petition is denied the board must notify the person in writing of the determination and certain other rights and information related to the determination.

Section 3 requires occupational licensing boards recognize certain apprenticeships and training and to grant a license to applicants who complete apprenticeships and pass an examination if one is deemed to be necessary by the licensing authority. The PCS clarifies this section does not apply to occupational licensing boards governing professions that require a college or advanced degree.

EFFECTIVE DATE: This act becomes effective October 1, 2019, and applies to Certificates of Relief granted or applications for licensure submitted on or after that date.