
OLR Bill Analysis

sHB 5248 (as amended by House "A")*

AN ACT CONCERNING COLLATERAL CONSEQUENCES OF CRIMINAL CONVICTIONS ON OCCUPATIONAL LICENSING.

SUMMARY

This bill limits the circumstances under which various agencies, boards, and commissions that issue occupational licenses (including certificates and permits) may take certain actions against a practitioner because the practitioner was found guilty or convicted of a felony (e.g., denying, revoking, or suspending a license). More specifically, it only allows them to do so if the decision is based on (1) the nature of the conviction and its relationship to the practitioner's ability to perform the occupation's duties or responsibilities safely or competently, (2) information about the practitioner's degree of rehabilitation, and (3) the time passed since the conviction or release.

The bill also creates a process for individuals who were convicted of a crime to find out whether their conviction would disqualify them from practicing these occupations. To do so, they generally must provide information about the conviction to the relevant licensing entity, which must respond within 30 days.

For certain occupations, the bill also prohibits the relevant licensing entities from taking certain disciplinary actions summarily (immediately) upon learning that a practitioner was found guilty or convicted of a felony (§ 2).

The law generally authorizes the Department of Health (DPH) to deny an occupational permit or license for an applicant who has been found guilty or convicted of a felony (in Connecticut, under federal law, or in any other jurisdiction if it would have been a felony in Connecticut). Under current law, however, DPH cannot do this for barbers, hairdressers, or cosmeticians. The bill broadens this exception

to also cover licenses for embalmers and funeral directors (§ 1).

*House Amendment “A” replaces the underlying bill (File 379). It (1) adds the provision that creates a process for individuals to find out if their conviction disqualifies them from practicing an occupation, (2) generally broadens the available disciplinary actions to include denying a license or credential, and (3) requires that disciplinary actions for a felony conviction meet the three-part criteria.

EFFECTIVE DATE: October 1, 2022

LICENSE DENIALS AND OTHER DISCIPLINARY ACTIONS FOR CONVICTIONS

Current law allows the various occupational licensing boards or commissions and state agencies to take certain disciplinary actions against a practitioner who was convicted of a felony, or for certain other reasons that may vary depending on the occupation (e.g., failure to meet professional standards; fraud). Depending on the occupation, these may include revoking or suspending a license or permit, censuring or reprimanding the practitioner, limiting or restricting the practitioner’s practice, placing the practitioner on probationary status, or assessing a civil penalty.

The bill generally adds denying a license, certificate, or permit to the types of disciplinary actions that these licensing entities may take. (In some instances, existing law already allows for a denial.) But if the action is taken because of a practitioner’s conviction of a felony, the bill requires that it be based on (1) the nature of the conviction and its relationship to the practitioner’s ability to perform the associated duties or responsibilities safely or competently, (2) information about practitioner’s degree of rehabilitation, and (3) the time passed since the conviction or release. These criteria generally align with a similar provision in the state’s anti-discrimination law (see BACKGROUND).

Table 1 shows the occupations to which these bill provisions apply. Below the table is additional information about the bill’s differences for licensing architects; private detectives, detective businesses, and investigators; and security services, security officers, and security officer

instructors.

Table 1: Occupations with Disciplinary Actions Limited by the Bill

Bill Sections	Statutes (CGS §)	Occupation
3-4	20-195o 20-195p	Clinical social worker and master social worker
5-6	20-195cc 20-195ee	Professional counselor
7-8	20-195ooo 20-195qqq	Art therapist
9-10	20-206n 20-206s	Dietician-nutritionist
11-12	20-265b	Esthetician
13-14	20-265c	Eyelash technician
15-16	20-265d	Nail technician
17-18	20-280e 20-281a	Public accountant
19-20	20-291 20-294	Architect
21	20-334	Tradesperson in electrical; plumbing and piping; solar; heating, piping, cooling, and sheet metal; fire protection sprinkler systems; elevator installation, repair, and maintenance; irrigation; automotive glass; flat glass; or gas hearth work field Residential stair lift technician; swimming pool builder (and other occupations covered by Chapter 393)
22	20-341gg	Major contractor
23-24	20-361 20-363	Sanitarian*
25	20-442a	Asbestos contractor and consultant
26-27	20-475 20-481	Lead abatement consultant, contractor, and worker

28-29	20-540	Public service gas technician
30	22a-66e	Pesticide application business*
31	23-61i	Arborist business*
32-33	29-154a 29-158	Private detective, detective business, or investigator
34	29-161v	Security service, security officer, or security officer instructor
35	30-47	Liquor permittee*

*Current law already allows license denial as a disciplinary action

Architects (§§ 19-20)

Neither current law nor the bill explicitly allows denying an architect license as a disciplinary action. The bill's limits only apply to license suspensions or revocations, censures, and civil penalties imposed due to a felony conviction.

Private Detective, Detective Business, or Investigator (§§ 32-33)

Existing law, unchanged by the bill, prohibits issuing these licenses to individuals convicted of any felony or certain specified misdemeanors. The bill's limits only apply to suspending or revoking these licenses when the Department of Emergency Services and Public Protection (DESPP) commissioner finds that the licensee or registrant has been convicted of a felony or other crime involving moral turpitude.

Security Service, Security Officer, or Security Officer Instructors (§ 34)

Neither current law nor the bill explicitly allows denying these licenses as a disciplinary action. The bill's limits only apply to these license suspensions or revocations when the DESPP commissioner finds that the licensee or instructor has been convicted of a felony.

Current law also allows these licenses to be suspended or revoked if the licensee is convicted of a crime affecting the licensee's honesty, integrity, or moral fitness. The bill removes crimes affecting the licensee's moral fitness from the types of crimes for which the license may be suspended or revoked.

PROCESS TO LEARN ABOUT DISQUALIFICATION

For all of the occupations listed in Table 1 above, the bill creates a process through which people who were convicted of a crime can learn whether their conviction would disqualify them from attaining the relevant license, certificate, or permit.

Under the bill, anyone convicted of a crime may ask the relevant licensing authority at any time to determine whether the conviction disqualifies him or her from obtaining the applicable license based on (1) the nature of the conviction and its relationship to the person's ability to perform the associated duties or responsibilities safely or competently, (2) information about the person's degree of rehabilitation, and (3) the time elapsed since the person's conviction or release.

The person must include details about the conviction and any required payment. The bill allows the licensing entities to charge a fee of up to \$15 per request, which may be waived. The applicable licensing entity must respond within 30 days after receiving the request and inform the person whether, based on the criminal record information submitted, he or she is disqualified from receiving or holding the relevant license, permit, or certificate.

The bill specifies that the licensing entity is not bound by its determination if, upon further investigation, it determines that the person's conviction differs from the information presented in the determination request.

IMMEDIATE DISCIPLINARY ACTIONS

Current law allows various occupational licensing boards or commissions and DPH to take certain actions against a practitioner summarily if they receive proof that the practitioner was found guilty or convicted of a felony. These disciplinary actions include summarily revoking or suspending a license or permit, censuring or reprimanding the practitioner, limiting or restricting the practitioner's practice, placing the practitioner on probationary status, and assessing a civil penalty up to \$25,000.

Under the bill, these disciplinary actions cannot be taken summarily against licensed clinical social workers and master social workers, art therapists, dietician-nutritionists, embalmers or funeral directors, barbers, hairdressers, cosmeticians, estheticians, eyelash technicians, or nail technicians who were found guilty or convicted of a felony.

BACKGROUND

Anti-discrimination Law

The state’s anti-discrimination law generally prohibits someone from being disqualified to practice any occupation that requires a state-issued license solely because of a prior criminal conviction. However, such a person may be denied a license after considering (1) the nature of the crime and its relationship to the job; (2) information about the person’s degree of rehabilitation; and (3) the time elapsed since the conviction or release (CGS § 46a-80).

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 13 Nay 0 (03/24/2022)