



PA 22-88—sHB 5248

Labor and Public Employees Committee

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

SUMMARY: This act limits the circumstances under which various state 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. These actions include denying, revoking, or suspending a license. More specifically, the act only allows them to do so if the decision is based on (1) the nature of the conviction, (2) the conviction's relationship to the practitioner's ability to perform the occupation's duties or responsibilities safely or competently, (3) information about the practitioner's degree of rehabilitation, and (4) the time passed since the conviction or release.

The act also creates a process for individuals convicted of a crime to find out if the 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 act also prohibits the relevant licensing entities from taking certain disciplinary actions summarily (i.e., immediately) upon learning that a practitioner was found guilty or convicted of a felony (§ 2).

The law generally authorizes the Department of Public 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). However, DPH cannot do this for barbers, hairdressers, or cosmeticians. The act broadens this exception to also prohibit DPH from denying a permit or license for embalmers and funeral directors because they were found guilty or convicted of a felony (§ 1).

EFFECTIVE DATE: October 1, 2022

**§§ 3-35 — LICENSE DENIALS AND OTHER DISCIPLINARY ACTIONS FOR
CONVICTIONS**

Existing law allows the various occupational licensing boards or commissions and state agencies to take certain disciplinary actions against a practitioner 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 act generally adds denying a license, certificate, or permit to the types of disciplinary actions that these licensing entities may take. (In some instances,

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existing law already allows for a denial.) But if the disciplinary action is due to a practitioner’s felony conviction, the act requires that it be based on (1) the conviction’s nature and its relationship to the practitioner’s ability to perform the associated duties or responsibilities safely or competently, (2) information about the practitioner’s degree of rehabilitation, and (3) the time passed since his or her conviction or release. These criteria generally align with a similar provision in the state’s anti-discrimination law (see BACKGROUND).

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

Occupations With Disciplinary Actions Limited by the Act

<i>Act Sections</i>	<i>Statutes (CGS §)</i>	<i>Occupation</i>
3-4	20-195o 20-195p	Clinical social worker and master social worker
5-6	20-195cc 20-195ee	Professional counselor and professional counselor associate
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, consultant, abatement worker, and site supervisor

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Act Sections	Statutes (CGS §)	Occupation
26-27	20-475 20-481	Lead abatement consultant, contractor, worker, and other specified lead abatement-related occupations
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*

*The law already allows license denial as a disciplinary action

Architects (§§ 19 & 20)

Neither existing law nor the act explicitly allows denying an architect license as a disciplinary action. The act’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 act, prohibits issuing these licenses and registrations to individuals convicted of any felony, certain specified misdemeanors (for private detective or detective business licenses), any sexual offense (for private investigator registrations), or offenses involving moral turpitude. The act’s limits only apply to suspending or revoking these licenses and registrations 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 existing law nor the act explicitly allows denying these licenses as a disciplinary action. The act’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.

Prior law also allowed these licenses to be suspended or revoked if the licensee was convicted of a crime affecting the licensee’s honesty, integrity, or moral fitness. The act 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 the table above, the act creates a process through which people who were convicted of a crime can learn whether their

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conviction would disqualify them from attaining the relevant license, certificate, or permit.

Under the act, anyone convicted of a crime may ask the relevant licensing authority at any time to determine if 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 passed since the person's conviction or release.

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

The act 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.

§ 2 — IMMEDIATE DISCIPLINARY ACTIONS

The 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 can include summarily revoking or suspending a license or permit, censuring or reprimanding the practitioner, limiting or restricting the practitioner's practice, and placing the practitioner on probationary status.

The act prohibits these disciplinary actions from being taken summarily against licensed clinical social workers and master social workers, art therapists, dietician-nutritionists, embalmers and funeral directors, barbers, hairdressers, cosmeticians, estheticians, eyelash technicians, or nail technicians who were found guilty or convicted of a felony.

BACKGROUND

Anti-Discrimination Law

Subject to certain exemptions, 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).