

## Department of Planning and Budget

### 2018 Fiscal Impact Statement

**1. Bill Number:** HB1135

House of Origin	<input checked="" type="checkbox"/>	Introduced	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Engrossed
Second House	<input type="checkbox"/>	In Committee	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Enrolled

**2. Patron:** Peace

**3. Committee:** General Laws

**4. Title:** Professions and occupations; prior criminal history.

**5. Summary:** Removes the authority given to regulatory boards of the Department of Professional and Occupational Regulation to refuse to issue a license, certificate, or registration if the board finds, based upon all of the information available, including the applicant's record of prior convictions, that the applicant is unfit or unsuited to engage in the occupation or profession. The bill does not change current law that provides that such regulatory board may refuse to issue a license, certificate, or registration if an applicant's criminal conviction directly relates to the occupation or profession for which the license, certificate, or registration is sought. If a regulatory board or department denies an applicant a license, certificate, or registration solely or in part because of the applicant's prior conviction of a crime, the regulatory board or department (i) has the burden of proving by clear and convincing evidence that the prior criminal conviction directly relates to the occupation or profession for which the license, certificate, or registration is sought and (ii) must provide written notice to the applicant. The bill also allows any person who has a criminal record to petition a regulatory board or department for a determination of whether the person's criminal record will disqualify the person from obtaining a license, certificate, or registration.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Indeterminate. See Item 8.

**8. Fiscal Implications:** The fiscal impact to the Department of Professional and Occupational Regulation (DPOR) is indeterminate. This bill affects the administrative and enforcement responsibilities of the Department of Professional and Occupational Regulation (DPOR). DPOR's current responsibilities include the issuance of written notice and detailed findings in support of case-by-case determinations on applications from individuals who disclose prior criminal history. These duties would remain largely unchanged with this bill. However, the bill allows applicants to petition a regulatory board and to obtain a response within 30 days. This timeframe will likely increase the resources needed to perform the same workload. The fiscal impact of these additional resources is indeterminate at this time.

The potential revenue generated by the optional \$25 petition fee for determination of disqualification is anticipated to be minimal.

**9. Specific Agency or Political Subdivisions Affected:** Department of Professional and Occupational Regulation.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.