

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 1284**

**BY: Representative Baker**

1       **AMEND** by inserting the following new section after line 106  
2 and renumbering the succeeding sections:

3       "**SECTION 6.** (1) On or before July 1, 2019, each licensing  
4 authority with established statutory authority or adopted rules  
5 that allow that licensing authority to disqualify a person from  
6 pursuing or practicing an occupation for which a license is  
7 required solely or in part because of a prior conviction of crime  
8 shall begin to review its statutory authority and rules in order  
9 to propose statutory changes consistent with the following  
10 guidelines:

11               (a) Specifically list those criminal convictions that  
12 would disqualify a person from receiving a license because the



conviction directly relates to the duties and responsibilities of the licensed occupation;

(b) Eliminate vague or generic terms, including, but not limited to, "moral turpitude," "good character" and "any felony";

(c) Eliminate disqualifications for a person arrested but not convicted;

(d) Use a clear and convincing standard of proof in examining the factors to determine whether an applicant with a disqualifying criminal conviction will be denied a license;

(e) Make licensing disqualification decisions based on the following factors:

(i) The nature and seriousness of the crime for which the individual was convicted;

(ii) The passage of time since the commission of the crime;

(iii) The relationship of the crime to the ability, capacity and fitness required to perform the duties and discharge the responsibilities of the occupation;

(iv) Any evidence of rehabilitation or treatment undertaken by an individual that might mitigate against pursuing, practicing or engaging in the occupation; and

(v) Regarding felony convictions of a violent or sexual nature, the health and safety of clients and customers served by the occupation;



38           (f) Limit licensing disqualifications to a specific  
39 time duration except for crimes of a violent or sexual nature, of  
40 no more than five (5) years from the date the individual is  
41 released from incarceration.

42           (2) On or before November 1, 2020, those licensing  
43 authorities shall submit the information in subsection (1) to the  
44 Mississippi Joint Committee on Performance Evaluation and  
45 Expenditure Review (PEER). PEER shall review the submitted  
46 information and prepare a report to be submitted to the  
47 Legislature no later than December 31, 2020.

48           (3) Notwithstanding any provisions of the laws of the State  
49 of Mississippi to the contrary, each licensing authority in the  
50 state shall be required to provide the information required in  
51 subsection (1) of this section and cooperate with PEER when PEER  
52 is making the report to the Legislature."

53           **AMEND title** to conform.

