



Sen. Toi W. Hutchinson

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1 AMENDMENT TO SENATE BILL 3403

2 AMENDMENT NO. _____. Amend Senate Bill 3403 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the Best
5 Candidate for the Job Act.

6 Section 5. Purpose. This Act is intended to ensure that
7 public agencies properly consider persons previously convicted
8 of one or more criminal offenses for licensure.

9 Section 10. Definitions. For the purposes of this Act:

10 "Direct relationship" means that the nature of criminal
11 conduct for which the person was convicted has a direct bearing
12 on his or her fitness or ability to perform one or more of the
13 duties or responsibilities necessarily related to the license
14 in question.

15 "License" means any certificate, license, permit, or grant

1 of permission required by the laws of this State, its political
2 subdivisions, or instrumentalities as a condition for the
3 lawful practice of any occupation, employment, trade,
4 vocation, business, or profession.

5 "Public agency" means the State or any local subdivision
6 thereof, or any State or local department, agency, board, or
7 commission.

8 Section 15. Applicability. This Act applies to any person
9 who applies for a license at any public agency who has
10 previously been convicted of one or more criminal offenses in
11 any jurisdiction or whose conviction of one or more criminal
12 offenses in any jurisdiction preceded the granting of a
13 license.

14 Section 20. Discrimination against persons previously
15 convicted of one or more criminal offenses prohibited. No
16 application for any license, to which the provisions of this
17 Act are applicable, shall be denied or acted upon adversely by
18 reason of the person having been previously convicted of one or
19 more criminal offenses or by reason of a finding of lack of
20 good moral character when that finding is based upon the fact
21 that the person has previously been convicted of one or more
22 criminal offenses, unless, after carefully considering the
23 factors specified in Section 25 of this Act, the licensing
24 agency determines that:

1 (1) there is a direct relationship between one or more of
2 the previous criminal offenses and the specific license sought
3 or held by the person; and

4 (2) the issuance or continuation of the license or the
5 granting would involve a substantial risk to property or to the
6 safety or welfare of specific persons or the general public.

7 Section 25. Factors to be considered concerning a previous
8 criminal conviction.

9 (a) In making a determination under Section 20 of this Act,
10 the public agency shall consider the following factors:

11 (1) The public policy of this State to encourage the
12 licensure of persons previously convicted of one or more
13 criminal offenses.

14 (2) The specific duties and responsibilities
15 necessarily related to the license sought or held by the
16 person.

17 (3) The bearing, if any, the criminal offense or
18 offenses for which the person was previously convicted will
19 have on his or her fitness or ability to perform one or
20 more of the duties or responsibilities necessarily related
21 to the license in question.

22 (4) Any evidence demonstrating the ability of the
23 applicant to perform the responsibilities of the license in
24 question.

25 (5) The time that has elapsed since the occurrence of

1 the criminal offense or offenses.

2 (6) The age of the person at the time of the criminal
3 offense or offenses.

4 (7) The seriousness of the offense or offenses.

5 (8) The circumstances surrounding the offense or
6 offenses.

7 (9) Any information produced by the person, or produced
8 on the person's behalf, in regard to the person's
9 rehabilitation and good conduct.

10 (10) The legitimate interest of the public agency in
11 protecting property, and the safety and welfare of specific
12 persons or the general public.

13 (b) In making a determination under Section 20 of this Act,
14 the public agency shall also give consideration to a
15 certificate of relief from disabilities or a certificate of
16 good conduct issued to the applicant, which certificate shall
17 create a presumption of rehabilitation in regard to the offense
18 or offenses specified in the certificate.".