

Fair Chance Licensing Reform Takes Hold in the States

Across the nation, millions of people with arrest and conviction records face overly restrictive barriers to licensed professions. However, with support from NELP, bipartisan momentum is building in support of “fair chance licensing” reforms that open up growing occupations with good pay to qualified people with records.

In 2017, legislation was enacted in at least five states (**Arizona, Georgia, Kentucky, Illinois, and Louisiana**), advancing a range of fair chance licensing protections. In 2018, the momentum has continued to build. As summarized below, new bills have been signed into law in **Delaware** and **Indiana**, and bills are pending in the **District of Columbia** and at least five states (including **California, Kansas, Massachusetts, Rhode Island** and **Tennessee**).

New Laws Signed in 2018

- On March 8th, Governor John Carney (D) of **Delaware** signed **HB 97**, which establishes a barbering apprenticeship program in the state’s prisons, precludes consideration of convictions dating back more than 10 years when applying for a barbering or cosmetology license, and authorizes the boards to “waive” a disqualifying felony if the individual has not been convicted of a crime in the previous two years. The bill passed the legislature with unanimous support.
- On March 21st, Governor Eric Holcomb (R) of **Indiana** signed **HB 1245**, which requires that any disqualifying offenses be “directly related” to the occupation and that licensing boards take into account evidence of rehabilitation but not most offenses dating back more than five years. The applicant is entitled to written findings explaining a board’s decision, and individuals may petition the board for a background check decision before satisfying all the other licensing requirements. The bill easily passed 48-1 in the state senate and 95-1 in the state house of representatives.

Selected Bills Pending in 2018

- In **California**, several bills (**AB 2138, AB 2293, SB 1298**) were recently introduced to improve access to a range of occupations by requiring fairer consideration of records and removing most blanket bans.
- In the **District of Columbia**, a bill (**B22-0523**) was introduced to implement a comprehensive scheme of fair chance licensing reforms.
- In **Kansas**, **SB 421** is modeled on the Indiana law that passed earlier this year.
- In **Massachusetts**, criminal justice reform legislation (**S. 2371**) was introduced, which includes new fair chance licensing protections.
- In **Rhode Island**, **S. 2337** strikes the phrase “crime involving moral turpitude” from the list of disqualifying offenses that apply to a range of occupational licenses.
- In **Tennessee**, **HB 2248/SB 2465** would require the boards to demonstrate that an applicant’s conviction is “directly related” to the licensed occupation, while also requiring the boards to take into account the age and nature of the offense.

NELP Resources

For more background on the issue, see NELP’s toolkit, “[Fair Chance Licensing Reform: Opening Pathways for People With Records to Join Licensed Professions](#)” (October 2017) and report “[Unlicensed & Untapped: Removing Barriers To State Occupational Licenses For People With Records](#)” (April 2016).

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