



NC Justice Center

*Opportunity
and prosperity for all*

The Fair Chance Criminal Justice Project

NEW LAW OPENS UP OPPORTUNITIES FOR PEOPLE WITH CRIMINAL RECORDS TO OBTAIN OCCUPATIONAL LICENSES

Background: There are an estimated 2 million people in North Carolina with a criminal record, with many facing serious barriers when applying for a job or an occupational license. Nationally, more than 60% of these people remain unemployed a year or more after rejoining society, partially due to numerous licensing restrictions from occupational licensing boards. Research shows that WORK plays a significant role in preventing dependency and is an indicator of how likely someone is to reoffend. About 1/3 of the jobs in North Carolina require an occupational license with more than 70 separate boards determining eligibility to enter these jobs, often in some of the better paying professions. Blanket bans, which automatically disqualify individuals from occupational licenses for certain crimes, even when unrelated to the profession, make it harder for those who have served their sentence to find a job and readjust to society.

Occupational Licensing Reform Comes to NC: In the summer of 2019 the NC Carolina General Assembly overwhelmingly passed **HB 770 (“Right to Work/Occupational Licensing Board Reform)** which opens up opportunities for qualified people with records to obtain an occupational license. **The new law took effect October 1, 2019.**

What Does the New Law Do?

- **Prohibits blanket bans** from a license for applicants with any felony or misdemeanor conviction.
- **Prohibits use of arrest records to deny a license.**
- Requires Licensing Boards’ decisions to be based on **whether the criminal record is directly related to the duties and responsibilities of the licensed occupation or if the conviction is violent or sexual in nature.**
- **Prohibits licensing boards’ use of non-specific and subjective terms like “moral turpitude” and “good character”** in determining whether someone will receive a work license.

- Requires a licensing board, before denying an applicant a license because of a criminal conviction, to specifically **consider all of the following factors**:
 - (1) The level and seriousness of the crime.
 - (2) The date of the crime.
 - (3) The age of the person at the time of the crime.
 - (4) The circumstances surrounding the commission of the crime, if known.
 - (5) The connection between the criminal conduct and the prospective duties of the occupation.
 - (6) The prison, jail, probation, parole, rehabilitation, and employment records of the applicant since the date the crime was committed.
 - (7) The completion of, or active participation in, rehabilitative drug or alcohol treatment.
 - (8) A Certificate of Relief granted to the applicant.
 - (9) The subsequent commission of a crime by the applicant.
 - (10) Any affidavits or other written documents, including character references.

- Requires licensing boards to **list the considerations** that will be used to grant or deny an occupational license on the board's web site and application.

- Requires licensing boards to report to the General Assembly on how many applications are granted, denied and the result when the applicant has a criminal record.

- Provides the right to applicants to petition a licensing board for a determination of whether the individual's criminal history will disqualify the individual from obtaining a license *before* they begin mandatory educational and training requirements, potentially saving applicants hundreds of dollars and thousands of hours.

- Requires licensing boards **make sure that the applicant has the criminal record** that is being used by the board and allow the applicant an **opportunity to correct any inaccuracies in the record and provide evidence of mitigation or rehabilitation**.

- Requires most occupational licensing boards to grant licenses to any applicant who has:
 - Met the requirements and completed a federally recognized apprenticeship and
 - Passed any required examination

The NC Justice Center's Fair Chance Criminal Justice Project partners with impacted people, congregations, concerned community members, advocacy organizations & decision makers to change local and state policies and practices to make the criminal justice system fairer from arrest to reentry. For more information: Bill Rowe, NC Justice Center, bill@ncjustice.org; (919) 856-2177