



Limits on Use of Criminal Record in Licensing

State-by-State Overview

- 35 states + DC **limit** licensing boards' authority
 - 14 states + DC implement a “directly related” or similar requirement between the conviction and the profession **minor**
- 9 states have **limitations** to boards' licensing authority
- 6 states + VI states have **no limits** to boards' licensing authority

	State Limits Board's Licensing Authority	Detail	Statute/Citation
AL	Limited	Effective September 1, 2019, SB163 creates a process whereby a person who is otherwise disqualified by law from obtaining a specific occupational license may apply to the circuit court for an “Order of Limited Relief” to eliminate the mandatory nature of the disqualification and permit consideration on the merits.	SB 163 (2019)
AK	No	Alaska has no general law regulating consideration of conviction in employment or licensure. In general, a professional license may be denied or revoked upon conviction.	Restoration of Rights Project: Alaska
AZ	Yes	<p>A person shall not be disqualified from employment by this state or any of its agencies or political subdivisions solely because of a prior conviction for a felony or misdemeanor within or without this state. A person may be denied employment by this state or any of its agencies or political subdivisions by reason of the prior conviction for a felony or misdemeanor if the offense has a reasonable relationship to the functions of the employment sought...</p> <p>Applicants may petition licensing agencies for a preliminary determination whether a prior conviction will disqualify the person from licensure: applicants “may petition an agency at any time, including before obtaining any required education or experience, taking any examination or paying any fee for a determination of whether the person’s criminal record disqualifies the person from obtaining a license, permit, certificate or other state recognition.”...</p> <p>Importantly, agencies are required to issue a written determination on the petition within 90 days of receipt that must include “findings of fact and conclusions of law.”...</p> <p>Standards for disqualification require an agency to conclude both (1) that there is an important state interest in “protecting public safety that is superior to the person’s right” to licensure; and (2) that the person was convicted within the past seven years of a felony that has not been set-aside, including any offense the agency is specifically required to consider by law, but excluding certain serious and dangerous crimes. If the person is convicted of an additional disqualifying offense and the agency has yet to issue the license, the agency must rescind the determination...</p>	<p>Ariz. Rev. Stat. § 13-904(E)</p> <p>Ariz. Rev. Stat. § 41-1093.04(A)</p> <p>Ariz. Rev. Stat. § 41-1093.04(E)</p> <p>Ariz. Rev. Stat. § 41-1093.04(G)</p>
AR	Yes	<p>Convictions “shall not operate as an automatic bar to registration, certification, or licensing for any trade, profession, or occupation.”...</p> <p>SB 451 (2019) established mandatory disqualification from licensure for a long list of specific state or federal crimes, from the most serious violent offenses to theft of</p>	Ark. Code Ann. § 17-1-103(b)

		<p>property, aggravated assault, and controlled substances offenses, unless the conviction has been sealed, expunged, or pardoned...</p> <p>Disqualification may be waived on the following grounds:</p> <ul style="list-style-type: none"> a) The age at which the offense was committed; b) The circumstances surrounding the offense; c) The length of time since the offense was committed; d) Subsequent work history since the offense was committed; e) Employment references since the offense was committed; f) Character references since the offense was committed; g) Relevance of the offense to the occupational license; and h) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public. 	<p>SB 451 (2019)</p> <p>Ark. Code Ann. § 17-3-102(b)</p>
CA	Yes	<p>Conviction of a crime, or commission of an act involving dishonesty or fraud, is grounds for denial of a license, <i>but only</i> “if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.”...</p> <p>Under the provisions of AB 2138, non-conviction records may not be the basis of disqualification even if the underlying act is deemed substantially related, not may conviction of certain less serious crimes if seven years have passed since conviction or release from prison, whichever is later...</p> <p>Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation...</p> <p>Each Board must develop criteria for determining substantial relationship, and for determining rehabilitation in the case of misdemeanors...</p> <p>General procedures for denying a license based on arrest or conviction are set forth in Cal. Bus. & Prof. §§ 485-489, and include providing the reasons for the denial and an opportunity to be heard. Provisions for suspending or revoking a license based on conviction are set forth in §§ 490 et seq.</p>	<p>Cal. Bus. & Prof. Code, §§ 480 et seq</p> <p>AB 2138 (2018)</p> <p>Cal. Bus. & Prof. Code, §§ 481 and 482</p> <p>Cal. Bus. & Prof. §§ 485-489</p> <p>Cal. Bus. & Prof. § 490</p>
CO	Yes	<p>[T]he fact that a person has been convicted of a felony or other offense involving moral turpitude shall not, in and of itself, prevent the person from applying for and obtaining public employment or from applying for and receiving a license, certification, permit, or registration required by the laws of this state to follow any business, occupation, or profession...</p> <p>Licensing agencies are charged with determining whether an applicant possesses the requisite “good moral character” for occupational and professional licensure were specifically permitted to consider an individual’s criminal record in this connection. Language was added to this provision by HB 18-1418 to link consideration of a criminal record more specifically to a determination whether an individual is “qualified.”...</p> <p>In 2018, new language was added to the provision to prohibit a licensing agency or public employer from using as a basis for denial or adverse action arrests and charges not resulting in conviction (though the conduct underlying the arrest may be considered)...</p> <p>If none of these exclusions apply, the licensing agency or employer “shall consider” the following factors in deciding whether to disqualify based on criminal record: In determining whether a conviction disqualifies an applicant, the state or licensing agency must consider:</p> <ul style="list-style-type: none"> (1) the nature of the conviction; (2) whether the conviction is “directly related” to the license sought; (3) the applicant’s rehabilitation and good conduct; and 	<p>Colo. Rev. Stat. § 24-5-101(1)(a)</p> <p>HB 1418 (2018)</p> <p>Colo. Rev. Stat. § 24-5-101(2)(b)</p> <p>Colo. Rev. Stat. § 24-5-101(4)</p>

		<p>(4) time elapsed since conviction.</p> <p>The “direct relationship” standard singles out for specific mention convictions of a sexual nature, and circumstances involving particular public safety risks, including care of vulnerable populations. The bill contains no provisions requiring a licensing agency to give written reasons or afford an opportunity to appeal an adverse decision.</p>	
CT	Yes	<p>The Connecticut Fair Employment Practices Act prohibits discrimination against a person based upon their criminal record by the state or any of its agencies.</p> <p>With limited exceptions relating to law enforcement and certain mortgage-related licenses, public employers and state licensing agencies may not disqualify a person “solely because of “a prior conviction but must consider:</p> <ol style="list-style-type: none"> (1) the nature of crime and its relationship to the job; (2) information pertaining to rehabilitation; and (3) time elapsed since conviction. <p>A person who has been granted a “provisional pardon” or “certificate of rehabilitation” (see Section II supra) is presumed to be rehabilitated. “If an application is denied based on a conviction for which the applicant has received a provisional pardon or certificate of rehabilitation, the state or any of its agencies, as the case may be, shall provide a written statement to the applicant of its reasons for such denial.”</p> <p>If a conviction of a crime is used as a basis for rejection of an applicant, “such rejection shall be in writing and specifically state the evidence presented and reasons for rejection.” A copy of such rejection shall be sent by registered mail to the applicant.</p> <p>Non-conviction records and conviction records that have been erased: No employer, including the state, may require an employee or prospective employee to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased</p>	<p>Conn. Gen. Stat. §§ 46a-80 et seq</p>
DE	Yes	<p>The act requires that the refusal, revocation, or suspension of licenses for professions and occupations regulated under Title 24 be based upon conviction of crimes or pending prosecutions for crimes that are “substantially related” to the profession or occupation at issue, and not for crimes that are unrelated to the profession or occupation.</p> <p>Boards of affected professions and occupations are required to promulgate regulations that specifically identify the crimes that are “substantially related” to the profession or occupation.</p> <p>In August 2009 this scheme was further amended to require affected boards to promulgate criteria for waiving disqualification based on convictions substantially related to the professions, and to determine either by a hearing or a review of documentation, whether applicants meet the specified criteria for a waiver. For waiver of disqualification in the case of a felony, five years (or less) must have elapsed since the conviction; for misdemeanors there is no waiting period, if applicants are not incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence, and are in substantial compliance with all fines, restitution, and community service. Waiver will be granted if a board finds that the applicant can practice the profession “in a competent and professional manner,” and “the granting of the waiver will not endanger the public health, safety or welfare.”</p>	<p>74 Del. Laws 262 (2004)</p> <p>77 Del. Laws 199 (2009)</p>
DC	Yes	<p>As amended, the law now provides that no one may be denied a license based on conviction of a crime unless it is “directly related” to the occupation for which the license is sought. Under prior law, a license could be denied if a conviction “bears directly upon the fitness” of the person to be licensed. References to “good moral character” in prior law were struck.</p> <p>The 2021 law establishes a pre-application petition process for individuals to determine their eligibility based on a criminal conviction, which must be completed within 90 days.</p>	<p>D.C. Code § 3-1201.03 et seq</p>

		It also prohibits a board from inquiring into or considering an applicant’s criminal conviction until after the applicant is found to be otherwise qualified. After such inquiry, it may not consider a conviction that has been sealed, expunged, vacated, or pardoned, a juvenile adjudication, or non-conviction information, or one that whose elements are not found by “clear and convincing evidence” to be “directly related” to the occupation. In making this determination, a board must consider specific factors relating to the circumstances of the offense, the individual’s other record, evidence of rehabilitation, and “the District’s interest in promoting employment opportunities for individuals with criminal records.”	D.C. Code § 47-2853.14(a)
FL	Limited	Conviction may be the basis for disqualification from employment or contracting with state agencies in connection with various health care and related professions, including care for children, and developmentally disabled or vulnerable adults. Applicants for an exemption have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee since the incident, or any other evidence or circumstances indicating that the employee will not present a danger if continued employment is allowed.	Fla. Stat. § 110.1127 Fla. Stat. § 435.07
GA	Yes	Professional licensing boards have authority to deny or revoke licensure to a person convicted of a felony or a crime involving moral turpitude, including to a person arrested, charged, and sentenced for such offenses pursuant to the “first offender” statute or where adjudication of guilt was otherwise withheld, or where a person is under supervision. However, the conviction or other disqualifying disposition must be “directly related” to the occupation for which licensure is sought. A board must consider the following factors when determining whether a felony or crime or moral turpitude “directly relates” to the occupation: <ul style="list-style-type: none"> (A) The nature and seriousness of the felony and the relationship of the felony to the occupation for which the license is sought or held; (B) The age of the person at the time the felony was committed; (C) The length of time elapsed since the felony was committed; (D) All circumstances relative to the felony, including, but not limited to, mitigating circumstances or social conditions surrounding the commission of the felony; and (E) Evidence of rehabilitation and present fitness to perform the duties of the occupation for which the license is sought or held. 	Ga. Code Ann § 43-1-19
GU	N/A		
HI	Yes	A person may not be disqualified from public office or government employment, or be disqualified from licensure, solely because of a prior conviction, except that a crime committed within the past 10 years (excluding any period of incarceration) may be considered “if it bears a rational relationship to the duties and responsibilities of a job, occupation, trade, vocation, profession, or business.” A crime committed more than 10 years ago may only be considered if it “directly relates” to the possible performance in the occupation sought and after a determination supported by investigation that the person has not been sufficiently rehabilitated.	Haw. Rev. Stat. § 831-3.1
ID	Yes	The new law authorizes a non-binding preliminary determination as to whether a person’s conviction would be disqualifying and establishes a multi-factor test to determine whether a person’s criminal record is “currently relevant to the applicant’s fitness” to engage in the occupation. A license may not be denied based on “vague or generic terminology related to a criminal conviction, including but not limited to ‘moral turpitude’ or ‘moral character.’”	Id. Stat. § 67-9410

II	Yes	<p>Unless otherwise authorized by law, it is a civil rights violation for any employer, employment agency or labor organization to use a conviction record as a basis to refuse to hire or to take any other adverse action unless:</p> <ol style="list-style-type: none"> 1) there is a substantial relationship between one or more of the previous criminal offenses and the employment sought or held, or 2) the granting or continuation of the employment would involve a public safety risk. <p>“Substantial relationship” means that the position offers the opportunity for the same or a similar offense to occur and “whether the circumstances leading to the conduct for which the person was convicted will recur in the employment position.” In making a determination the employer shall consider various factors, including the following the time since conviction and the person’s overall record, and evidence of rehabilitation. If the employer makes a “preliminary decision” to take adverse action, the employer shall notify the employee in writing, and explain the person’s right to respond. The employer shall consider information submitted by the employee before making a final decision, and if the final decision is based “solely or in part” on the person’s conviction record, the employer will notify the person of their reasoning, inform them of whatever avenues of appeal may exist, and of their right to file a charge with the Department of Human Rights.</p>	<p>775 Ill. Comp. Stat. Ann. 5/2-103.1</p>
IN	Yes	<p>[A] license or certificate of registration that an individual is required by law to hold to engage in a business, profession, or occupation may not be denied, revoked, or suspended because the applicant or holder has been convicted of a crime,” except that specified drug offenses may be used to deny, revoke, or suspend a license, and certain serious drug offenses are grounds for mandatory suspension or revocation.</p> <p>Covered licensing boards and commissions are required to explicitly list in their licensing requirements all “crimes that may disqualify an individual”; a listed “conviction of concern” must “directly” relate to the duties and responsibilities of the occupation or profession.</p> <p>Licensing authorities may not “use nonspecific terms, such as moral turpitude or good character, as a licensing or certification requirement” and may not “consider an arrest that does not result in a conviction.”</p> <p>If an applicant has a listed “conviction of concern,” the agency shall consider the following in determining whether to deny a license to the applicant, based on “clear and convincing evidence”:</p> <ol style="list-style-type: none"> (1) The nature and seriousness of the crime for which the individual was convicted. (2) The passage of time since the commission of the crime. (3) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation. (4) Evidence of rehabilitation or treatment undertaken by the individual that might mitigate against a direct relation to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation. <p>The disqualification period for the listed convictions is limited to five years after the date of conviction, if the conviction was not a violent crime or criminal sexual act, and the applicant was not convicted of a crime during the disqualification period.</p>	<p>Ind. Code §§ 25-1-1.1-1, et seq</p>
IA	Yes	<p>Effective January 1, 2021, each covered board must provide a list of offenses that “directly relate[s] to the duties and responsibilities of the profession,” and may not deny a license based on non-conviction records or any finding that an applicant “lacks good character” or “suffers from moral turpitude.”</p> <p>An agency shall grant an exception to an individual “who would otherwise be denied a license due to a criminal conviction” if the individual is determined to be rehabilitated</p>	<p>HF 2627 (2020)</p>

		<p>and an “appropriate candidate for licensure” based on a list of factors that include the nature and seriousness of the crime, the passage of time, and other mitigating or aggravating factors. There is a rebuttable presumption that an applicant is “rehabilitated” five years after release from incarceration unless the conviction was for certain violent or sexual crimes.</p> <p>A prospective applicant may petition for a preliminary determination, for which a board may charge a fee of \$25. Grounds for denial must be in writing, and the applicant must be given an opportunity to appeal, and informed that evidence of rehabilitation will be considered on reapplication. The board’s findings on each criterion specified must be “sufficient for review by a court.” The board has the burden of proving direct relationship. An individual may be requested to submit a “complete criminal record,” which includes the complaint and judgment for each conviction.</p>	<p>Iowa Code Ann. §272C.15</p>
KS	No	<p>The general licensing statute that requires licensing boards to “list the specific civil and criminal records that could disqualify an applicant from receiving a license, certification or registration... may only list any disqualifying criminal records or civil court records that are directly related to protecting the general welfare and the duties and responsibilities for such entities.” Moreover, “in no case shall non-specific terms, such as moral turpitude or good character, or any arrests that do not result in a conviction be used to disqualify an individual’s application for licensure, certification, or registration.” Notably excludes the Board of Healing Arts, among other licensing boards.</p>	<p>HB 2386 (2018)</p>
KY	Yes	<p>Conviction may not be the sole grounds for denial, but employers and licensing agencies must determine if a prior conviction is “directly related” to the opportunity: “No person shall be disqualified from public employment, [or from] . . . any occupation for which a license is required, solely because of a prior conviction of a crime, unless the crime for which convicted directly relates to the position of employment sought or the occupation for which the license is sought.”</p> <p>In determining if a conviction directly relates to the position of public employment sought or the occupation for which the license is sought, the hiring or licensing authority shall consider:</p> <ul style="list-style-type: none"> (a) The nature and seriousness of the crime for which the individual was convicted and the passage of time since its commission. (b) The relationship of the crime to the purposes of regulating the position of public employment sought or the occupation for which the license is sought; (c) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation. 	<p>Ky. Rev. Stat. Ann. §§ 335B.020 et seq.</p>
LA	Limited	<p>The Licensing for Ex-Offenders Act <i>exempts</i> the Board of Medical Examiners; however, exempt licensing entities are required to record and report on the number of licenses issued or denied to an otherwise qualified convicted applicant, including all reasons for any such issuance or denial.</p> <p>Signed in June 2022, HB 639 is a Ban-the-Box style legislation that prohibits licensing boards from barring applicants with criminal convictions, requires boards to consider the nature and seriousness of the crime, the age when the crime was committed, the amount of time since the crime, the circumstances of the offense, and evidence of rehabilitation before rendering a licensing decision. However, bill also allows licensing entities to not issue licenses to applicants that have been convicted of homicide, "crimes of violence," or "sex offenses."</p>	<p>La. Rev. Stat. § 37:36</p> <p>LA HB 639 (2022)</p>
ME	Yes	<p>Maine limits consideration of conviction in determining eligibility for the granting of any occupational license, registration or permit issued by the State, placing stricter limits on less serious offenses and generally barring consideration of dated convictions.</p> <p>Licensing agencies may take into consideration criminal history record information from Maine or elsewhere relating to certain convictions that have not been set aside or for which a full and free pardon has not been granted, but “the existence of such</p>	<p>Me. Rev. Stat. Ann. tit. 5, § 5301 et. seq</p>

		<p>information shall not operate as an automatic bar to being licensed, registered or permitted to practice any profession, trade or occupation.</p> <p>Convictions for which incarceration for less than a year is authorized may be considered only if the offense “directly relates” to the license, or if the offense involves dishonesty or false statement. Convictions of a sexual nature may be considered in connection with certain types of health care licenses...</p> <p>For minor convictions that preclude granting a license, the licensing agency “shall explicitly state in writing the reasons for a decision which prohibits the applicant, licensee, registrant or permit holder from practicing the profession, trade or occupation</p>	
MD	Yes	<p>It is the policy of the State to encourage the employment of nonviolent ex-offenders and remove barriers to their ability to demonstrate fitness for occupational licenses or certifications required by the State.” This policy specifically does not apply to a person who was previously convicted of a crime of violence, as defined in § 14-101 of the Criminal Law Article.</p> <p>A department may not deny an occupational license or certificate to an applicant solely on the basis that the applicant has previously been convicted of a crime, unless the department determines that:</p> <ol style="list-style-type: none"> (1) there is a direct relationship between the applicant’s previous conviction and the specific occupational license or certificate sought; or (2) the issuance of the license or certificate would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the public. <p>The licensing board must consider:</p> <ol style="list-style-type: none"> (1) the specific duties and responsibilities required of a licensee or certificate holder; (2) whether the applicant’s previous conviction has any impact on the (3) applicant’s fitness or ability to perform the duties and responsibilities authorized by the license or certificate; (4) the age of the applicant at the time of the conviction and the amount of time that has elapsed since the conviction; (5) the seriousness of the offense for which the applicant was convicted; (6) other information provided by the applicant or on the applicant’s behalf regarding the applicant’s rehabilitation and good conduct... <p>Beginning in October 2017, the Department of Corrections “shall issue” a Certificate of Rehabilitation to individuals convicted of non-violent and non-sexual felonies and misdemeanors who were supervised by the Division of Parole and Probation under conditions of parole, probation, or mandatory release supervision, and who have completed all such conditions... A licensing board may not deny an occupational license or certificate to an applicant who has been issued a certificate of rehabilitation solely on the basis that the applicant has previously been convicted of the crime that is the subject of the certificate of rehabilitation</p>	<p>Md. Crim. Proc. Code § 1-209</p> <p>Md. Code Ann., Corr. Servs. § 7-104</p>
MA	Yes	<p>In 2018 licensing authorities were directed to provide “a list of the specific criminal convictions that are directly related to the duties and responsibilities for the licensed occupation that may disqualify an applicant from eligibility for a license.”</p> <p>While Massachusetts’ general nondiscrimination law applies only to misdemeanors, some licensing schemes incorporate some variation of a “direct relationship”... board may discipline holder of medical license for “a criminal offense which is reasonably related to the practice of the profession”</p>	<p>2018 Mass. Acts Ch. 69</p> <p>Ch. 112, § 61</p>
MI	Yes	<p>A licensing agency may not consider conviction as evidence in determining “good moral character” unless the conviction is of a felony and the agency concludes that “the specific offense for which the individual was convicted has a direct and specific relationship to the activities authorized by the occupational or professional license;” that</p>	<p>Mich. Comp. Laws § 338.42</p>

		the offense “involves a demonstrable risk to the public safety;” the convicted individual, based on the nature of the offense, “is more likely to commit a subsequent offense because he or she has the occupational or professional license than if he or she does not have the occupational or professional license;” and “A subsequent offense committed with the aid of the occupational or professional license will cause greater harm to the public than it would if the individual did not have the occupational or professional license.”	
MN	Yes	<p>Public employers and licensing agencies may not disqualify a person “solely or in part” based on criminal conviction unless</p> <ol style="list-style-type: none"> (1) there is a “direct relationship” between occupation or license and conviction history, measured by the purposes of the occupation’s regulation and the relationship of the crime to the individual’s fitness to perform the duties of the position; <u>and</u> (2) the individual has not shown “sufficient rehabilitation and present fitness to perform” the duties of the public employment or licensed occupation. <p>In determining if a conviction directly relates to the position of public employment sought or the occupation for which the license is sought, the hiring or licensing authority shall consider:</p> <ol style="list-style-type: none"> (a) the nature and seriousness of the crime or crimes for which the individual was convicted; (b) the relationship of the crime or crimes to the purposes of regulating the position of public employment sought or the occupation for which the license is sought; (c) the relationship of the crime or crimes to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the position of employment or occupation. <p>Even where a crime is found to be directly related to the public employment or license sought, person shall not be disqualified if the person can show “competent evidence of sufficient rehabilitation and present fitness to perform the duties of the public employment sought or the occupation for which the license is sought.”</p> <p>Records of arrest not leading to conviction, convictions that have been expunged, or misdemeanors for which a prison sentence could not be imposed, may not be considered in connection with public employment or licensing decision.</p>	<p>Minn. Stat. § 364.03</p> <p>Minn. Stat. § 364.04</p>
MS	Limited	<p>The grounds for the nonissuance, suspension, revocation or restriction of a license or the denial of reinstatement or renewal of a license are: ... (6) Conviction of a felony or misdemeanor involving moral turpitude, a certified copy of the conviction order or judgment rendered by the trial court being prima facie evidence thereof, notwithstanding the pendency of any appeal.</p> <p>To qualify for a Mississippi medical license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Sections 73-25-29 and 73-25-83.</p>	<p>MS Code § 73-25-29</p> <p>MS Code § 73-25-3</p>
MO	No	The Fresh Start Act of 2020 excludes the state Board of Registration for the Healing Art's licensure of physicians and surgeons (as well as the licensure of nurses and pharmacists).	Miss. Code Ann. § 324.012
MP	N/A		
MT	Yes	Criminal convictions shall not operate as an automatic bar to being licensed to enter any occupation in the state of Montana. No licensing authority shall refuse to license a person solely on the basis of a previous criminal conviction; provided, however, where a license applicant has been convicted of a criminal offense and such criminal offense relates to the public health, welfare, and safety as it applies to the occupation for which the license is sought, the licensing agency may, after investigation, find that the applicant	Mont. Code Ann. § 37-1-203

		so convicted has not been sufficiently rehabilitated as to warrant the public trust and deny the issuance of a license.	
NE	No	<p>Except as otherwise provided in sections 38-1,119 to 38-1,123, a credential to practice a profession may be denied, refused renewal, or have other disciplinary measures taken against it in accordance with section 38-185 or 38-186 on any of the following grounds:</p> <ol style="list-style-type: none"> (1) Misrepresentation of material facts in procuring or attempting to procure a credential; (2) Immoral or dishonorable conduct evidencing unfitness to practice the profession in this state; (3) Abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance; (4) Failure to comply with a treatment program or an aftercare program, including, but not limited to, a program entered into under the Licensee Assistance Program established pursuant to section 38-175; (5) Conviction of (a) a misdemeanor or felony under Nebraska law or federal law, or (b) a crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law and which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession... 	Neb. Rev. Stat. § 38-178
NV	Limited	<p>Per Nevada Revised Statute 630.161, “The Board shall not issue a license to practice medicine to an applicant who has been licensed to practice any type of medicine in another jurisdiction and whose license was revoked for gross medical negligence by that jurisdiction.”</p> <p>The law requires licensing agencies to develop and implement a process by which a person with a criminal history may petition for a preliminary determination whether that history will disqualify them from obtaining a license from the regulatory body... However, the law explicitly states that licensing agencies are “not bound” by those determinations and may rescind them “at any time”... The agency also “may” post on its website a list of crimes that would result in a disqualification determination.</p>	Nev. Rev. Stat. § 630.161 NV AB 319 (2019)
NH	Yes	<p>An individual may be disqualified from licensure based on criminal record only if convicted of a felony or violent misdemeanor, and only if the licensing board concludes that “the state has an important interest in protecting public safety that is superior to the individual’s right” to be licensed. The board may reach this conclusion only if it determines, by clear and convincing evidence at the time of the petition, that:</p> <ol style="list-style-type: none"> (1) The specific offense for which the individual was convicted is substantially related to the state’s interest; (2) The individual, based on the nature of the specific offense for which the individual was convicted and the individual’s current circumstances . . . , is more likely to re-offend by virtue of having the license than if the individual did not have the license; and (3) A re-offense will cause greater harm than it would if the individual did not have the license. 	N.H. Rev. Stat. Ann. § 332-G:13
NJ	Yes	Notwithstanding any law, rule or regulation to the contrary, a board shall not disqualify a person from obtaining or holding any certificate, registration or license issued by them solely because the person has been convicted of or engaged in acts constituting any crime or offense, unless the crime or offense has a direct or substantial relationship to the activity regulated by the board or is of a nature such that certification, registration or licensure of the person would be inconsistent with the public’s health, safety or welfare.	NJ S 942 (2021)
NM	Yes	Subject to the provisions of Subsection B of this section and Sections 28-2-4 and 28-2-5 NMSA 1978, in determining eligibility for employment with the state or any of its political subdivisions or for a license, permit, certificate or other authority to engage in any regulated trade, business or profession, the board or other department or agency having jurisdiction may take into consideration a conviction, but the conviction shall not operate as an automatic bar to obtaining public employment or license or other authority to practice the trade, business or profession	NM Stat § 28-2-3 (2021)

		Some exceptions apply dependent on the crime	
NY	Yes	Correction Law – Article 23-A: No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses...	NY Corr. L. § 750 et seq.
NC	Yes	HB 770 (2019) imposes a “direct relationship standard” for all licenses; to require a board to consider certain factors that before were discretionary, giving effect for the first time to a drug treatment program and a Certificate of Relief; and to exempt only licenses governed by federal law... Unless federal law governing a particular board provides otherwise, a board may deny an applicant on the basis of a conviction of a crime only if the board finds that the applicant’s criminal conviction history is directly related to the duties and responsibilities for the licensed occupation or the conviction is for a crime that is violent or sexual in nature. Notwithstanding any other provision of law, a board shall not automatically deny licensure on the basis of an applicant’s criminal history, and no board may deny an applicant a license based on a determination that a conviction is for a crime of moral turpitude.	N.C. Gen. Stat. § 93B-8.1
ND	Yes	A person may not be disqualified to practice, pursue, or engage in any occupation, trade, or profession for which a license, permit, certificate, or registration is required from any state agency, board, commission, or department solely because of prior conviction of an offense	N.D. Cent. Code § 12.1-33-02.1
OH	Yes	The Medical Board has adopted the attached State Medical Board of Ohio Disqualifying Offense List. This disqualifying offense list contains criminal offenses that can be considered by the Medical Board in reviewing the applications for all Medical Board initial licenses, training certificates, or limited permits, including, but not limited to, physicians (MD, DO, DPM)... When reviewing these applications, the Medical Board may only consider criminal offenses which are on this list. If an applicant has a conviction, judicial finding of guilt, or plea of guilty for one of the criminal offenses on the Medical Board’s Disqualifying Offense List, that offense is not automatically disqualifying. Instead, the law requires the Medical Board to weigh the following factors in deciding, under a preponderance of the evidence standard, whether the conviction disqualifies the individual from receiving the license: <ul style="list-style-type: none"> a) The nature and seriousness of the offense for which the individual was convicted, found guilty pursuant to a judicial finding, or pleaded guilty; b) The passage of time since the individual committed the offense; c) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; d) Any evidence of mitigating rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment (R.C. 2953.25) or a certificate of achievement and employability (R.C. 2961.22); e) Whether the denial of a license is reasonably necessary to ensure public safety. 	Ohio Rev. Code § 9.78 and 9.79 OMB Explanatory Statement
OK	Yes	Notwithstanding any other provision of law, a conviction, plea of guilty or nolo contendere, or pending criminal charge of a crime may be grounds for the denial of an applicant for a state license or state certification to practice an occupation only if the underlying offense substantially relates to the duties and responsibilities of the occupation and poses a reasonable threat to public safety, health, or welfare.	OK SB 1691 (2022)
OR	Yes	Except for teachers’ licenses, a commission or agency may not deny, suspend, or revoke an occupational or professional license “solely for the reason that the applicant or licensee has been convicted of a crime, but it may consider the relationship of the facts which support the conviction and all intervening circumstances to the specific	Or. Rev. Stat. § 670.280(2)

		occupational or professional standards in determining the fitness of the person to receive or hold the license.”	
PA	Limited	If the applicant has committed a felony, they can still obtain a license if it has been at least 10 years, they demonstrated that significant progress and rehab has occurred, or satisfies other qualifications contained in chapters 18 and 19 of the Act.	14 Pa. Cons. Stat. § 16.12
PR	N/A		
RI	Yes	No occupational license, permit, certificate, or registration issued by the state or any of its agencies or any state licensing board or commission shall be suspended or revoked, solely or in part, because of a prior conviction of a crime or crimes unless the underlying crime or crimes substantially relate to the occupation to which the license applies. Any other state law to the contrary will be superseded by this provision.	R.I. Gen. Laws § 28-5.1-14 d & e
SC	Yes	40-47-140 (Medical license-specific): A license may be denied based on a person's prior criminal record only as provided in Section 40-1-140... A person may not be refused an authorization to practice, pursue, or engage in a regulated profession or occupation solely because of a prior criminal conviction unless the criminal conviction directly relates to the profession or occupation for which the authorization to practice is sought. However, a board may refuse an authorization to practice if, based upon all information available, including the applicant's record of prior convictions, it finds that the applicant is unfit or unsuited to engage in the profession or occupation.	S.C. Code Ann. § 40-47-140 S.C. Code Ann. § 40-1-140
SD	No	South Dakota has no laws restricting consideration of criminal record in employment or licensure, including limits on application-stage employer inquiries or fair chance licensing reforms.	S.D. Codified Laws § 36-4-11.1
TN	Yes	The Fresh Start Act prohibits licensing authorities from denying an application for a license or refusing to renew a license “solely or in part due to a prior criminal conviction that does not directly relate to the applicable occupation, profession, trade, or business	Tenn. Code. Ann. § 62-76-104(b)
TX	Yes	Texas Medical Board Statement: <ul style="list-style-type: none"> All evaluations letters shall be based on existing law at the time of the request. All requestors remain subject to the requirements for licensure at the time of application and may be determined ineligible under existing law at the time of application An individual shall be permitted to apply for licensure, regardless of the agency's determination in a criminal history evaluation letter. Licensing Agencies: <ul style="list-style-type: none"> Two-step process for covered licensing agencies: does the offense directly relate to duties and responsibilities of the licensed occupation; if yes – go into much more detail to decide future actions 	RULE §168.2 HB 1342 - Tex. Occ. Code § 53.022 - .023
UT	Yes	(7) When the division is determining whether to refuse to issue a license to an applicant, or to refuse to renew the license of a licensee, based solely on the criminal conviction of an applicant or licensee, the division shall: <ol style="list-style-type: none"> provide individualized consideration to the applicant or licensee determine whether the criminal conviction bears a substantial relationship to the applicant’s or licensee’s ability to practice the occupation or profession safely or competently; and consider the applicant’s or licensee’s current circumstances (see all in link) (4) The following are not evidence of engaging in unprofessional conduct under Subsection 2c: <ol style="list-style-type: none"> an arrest not followed by a conviction a conviction for which an individual’s incarceration has ended more than seven years before the date of the division’s consideration (except for some very specific crimes defined in the act) 	58-1-401. Grounds for denial of license 58-1-501. Unlawful and unprofessional conduct
VT	Limited	Conviction of a crime is considered unprofessional conduct:	3 V.S.A. § 129a

		<p>(10) Conviction of a crime related to the practice of the profession or conviction of a felony, whether or not related to the practice of the profession. If an individual has a conviction of concern, the board or hearing officer shall consider the following in determining whether to deny or discipline a license, certification, or registration to the individual based on the following factors:</p> <ol style="list-style-type: none"> (1) the nature and seriousness of the conviction; (2) the amount of time since the commission of the crime; (3) the relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession; and (4) evidence of rehabilitation or treatment. 	
VI	No	The Virgin Islands has no general laws limiting consideration of criminal record in licensing. The state does not prohibit employers at health facilities from asking applicants for positions with regular access to patients or access to drugs about certain arrests.	V.I. Code tit. 24, § 466 (2019)
VA	Yes	<p>A person shall not be refused a license, certificate, or registration to practice, pursue, or engage in any regulated occupation or profession solely because of a prior criminal conviction, unless the criminal conviction directly relates to the occupation or profession for which the license, certificate or registration is sought. However, the regulatory board shall have the authority to refuse a license, certificate, or registration if, based upon all the information available, including the applicant’s record of prior convictions, it finds that the applicant is unfit or unsuited to engage in such occupation or profession.</p> <p>In determining whether a criminal conviction “directly relates” to an occupation or profession, the regulatory board shall consider the following criteria:</p> <ol style="list-style-type: none"> (1) The nature and seriousness of the crime; (2) The relationship of the crime to the purpose for requiring a license to engage in the occupation; (3) The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved; (4) The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession; (5) The extent and nature of the person’s past criminal activity; (6) The age of the person at the time of the commission of the crime; (7) The amount of time that has elapsed since the person’s last involvement in the commission of a crime; (8) The conduct and work activity of the person prior to and following the criminal activity; and (9) Evidence of the person’s rehabilitation or rehabilitative effort while incarcerated or following release. 	<p>Va. Code Ann. § 54.1-204</p> <p>HB 282 (2022)</p>
WA	Yes	<p>Licensing agencies may deny employment of a license based on a felony conviction only</p> <ol style="list-style-type: none"> (1) if it “directly relates” to the position of employment or to the specific occupation, trade, vocation, or business, and (2) “the time elapsed since the conviction is less than ten years.” 	Wash. Rev. Code § 9.96A.010
WV	No	West Virginia has laws prohibiting consideration of conviction within the past 5 years but it expressly does not apply to occupations regulated by the state medical board, physician assistants, osteopathic physicians and surgeons, private investigators, or security guards.	HB 118 (2019)
WI	Limited	If a licensing agency denies a license because of a conviction, the decision must be justified in writing. Before denying or terminating a license based on a prior conviction, an agency must state its reasons in writing, including “a statement of how the circumstances of the offense relate to the particular licensed activity.” An agency must also provide individuals with an opportunity to show evidence of rehabilitation and fitness to engage in the licensed activity, and it may not deny if both are shown.	Wis. Stat. § 111.335(3)(b) through (f)

		Individuals may request a preliminary determination about whether their criminal history will be disqualifying.	
WY	Limited	<p>§ 33-1-304(c): The law prohibits consideration of prior convictions that are more than 20 years old, except where the person is still under sentence or the sentence was completed fewer than 10 years before, unless the elements of the offense are “directly related to the specific duties and responsibilities of that profession or occupation.”</p> <p>§ 33-1-304(b): A board or commission licensing, certifying, or registering a person to practice or perform a profession or occupation that heals or treats humans may always determine that a crime of violence or sexual misconduct is relevant to the ability to practice the profession or occupation, but in making a licensing, certification or registration decision may consider the circumstances of the offense.</p> <p>Any board shall be immune from civil liability “for acting in accordance with this section.” § 33-1-304(d).</p>	Wyo. Stat. § 33-1-304

For informational purposes only: This document is not intended as a comprehensive statement of the law on this topic, nor to be relied upon as authoritative. Non-cited laws, regulation, and/or policy could impact analysis on a case-by-case or state-by-state basis. All information should be verified independently.

Questions, comments, or corrections? Please contact Andrew Smith (asmith@fsmb.org)