EXPANDING ACCESS TO OCCUPATIONAL AND PROFESSIONAL LICENSING FOR QUALIFIED OREGONIANS WITH CRIMINAL HISTORIES (SB-1552)

February 2024 Prepared by Josh Gaines, Project Manager, Council of State Governments Justice Center

LICENSING, CRIMINAL HISTORY, AND EMPLOYMENT

- Recent estimates suggest that about 695,000 Oregonians have criminal conviction records.¹
- Oregon law requires licensure to perform 62 different lower-income jobs and 48 different in-demand jobs that require a 4-year degree or less.²
- Or. Rev. Stat. § 670.280 grants most occupational and professional licensing bodies <u>broad discretion to deny licensure</u> based on a conviction.

CURRENT POLICIES ACTIVELY DISCOURAGE QUALIFIED WORKERS WITH CONVICTIONS FROM PURSUING LICENSED WORK

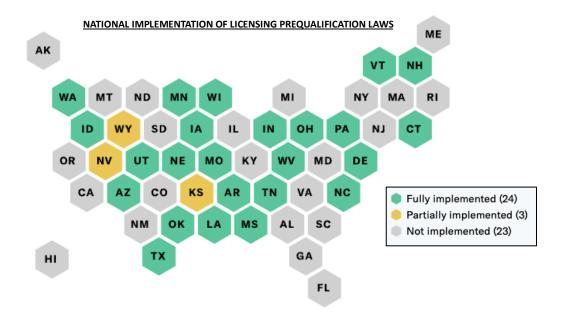
Under current policies, prospective licensees must generally wait until <u>after</u> they have met the general qualifications for licensure before any conviction they may have is evaluated by a licensing body.

As a result, prospective licensees with convictions must take on <u>significant risk</u>. Even those with minor criminal histories are forced to invest significant time and money in education and training – often measured in years and thousands of dollars – <u>without certainty</u> about whether their criminal history will ultimately result in denial.

This has a deterrent effect that can lead workers with convictions – even those who *would* ultimately be granted licensure – to forgo the pursuit of licensed work in favor of opportunities that offer a more certain return on investment.

LICENSING PRE-QUALIFICATION PROCEDURES LIKE THOSE IN SB-1552 ALLOW QUALIFIED WORKERS TO PURSUE LICENSURE WITH CONFIDENCE

Nearly <u>30 states</u> have eliminated the risk borne by prospective licensees with convictions by implementing "pre-qualification" laws that allow an applicant to request a determination about whether their criminal history will be disqualifying <u>before</u> making investments necessary to meet general licensing requirements.³



¹ Colleen Chien, et al, The Oregon Second Chance Set-Aside Gap (Paper Prisons Project, 2021).

² Lisa Knepper, et al, License to Work – A National Study of Burdens from Occupational Licensing (3rd ed.) (Institute for Justice, 2022); National Occupational Licensing Database, https://www.ncsl.org/labor-and-employment/the-national-occupational-licensing-database (National Conference of State Legislators, accessed January 2024).

³ Fair Chance Licensing Project, https://csgjusticecenter.org/projects/fair-chance-licensing (Council of State Governments Justice Center, accessed January 2024).

UNDERSTANDING SB-1552's PREQUALIFICATION PROVISIONS

The pregualification provisions in SB-1552 would:

- Allow workers to request a determination about whether their criminal history may be disqualifying at any time, <u>including before</u> enrolling in necessary education or training programs
- Bind licensing bodies to a determination that a conviction will *not* be disqualifying <u>unless the applicant is subsequently convicted</u>, has pending criminal charges, or did not fully divulge their criminal history at the time of the initial request
- <u>Allow criminal history to be reconsidered</u> at the time a full application for licensure is submitted, regardless of whether a prequalification request resulted in a determination that a conviction may result in denial
- Allow licensing bodies to offset any costs associated with making a pre-qualification determination by charging a reasonable fee

QUESTIONS & ADDITIONAL INFORMATION

For questions or additional information about fair chance licensing across the country, please visit the Fair Chance Licensing Project at https://csgjusticecenter.org/projects/fair-chance-licensing/ or contact:

Josh Gaines

Project Manager, Corrections & Reentry
Council of State Governments Justice Center
jgaines@csg.org