

## BOM Policy on Addressing AB 319

### **Background**

AB 319 was a bill passed after the 2019 legislative session and became effective July 1, 2019, where occupational licensing boards and other agencies not within Title 54, must create a process to provide determinations/advice to potential applicants (petitioner) indicating whether the petitioner's criminal history would disqualify him or her from obtaining a license.

AB 319, Sec. 1(1) and Sec. 1(4), allows any person to petition a board for a determination regarding his or her criminal background before he or she files a formal application for licensure. Sec. 1(2) provides the determination must be made by the board within 90 days from receiving the petition.

### **Board Policy Based on AB 319**

- (1) The Board licensing specialist or other designated staff person will communicate with the petitioner, and provide the petitioner with information on the process and an application form. Fingerprints processed by NCIS will cost \$50. The petitioner must pay this fee to the Board. Fingerprints must be received before moving the petition forward to the Board. No other fees will be charged for the petition.
- (2) Upon receiving a complete set of documents per Section 1 (2), the petition should be included on the upcoming agenda.
- (3) Petitioner Appearance: Per the Open Meeting Law, each petitioner will need to be notified his/her background will be discussed at a public meeting. There is no requirement for the petitioner to appear before the Board. The agenda item will clearly state the petitioner understands he/she is not participating in a "contested case" under the APA. Whether the petitioner can appear through an attorney and what will be allowed as part of his/her presentation will be at the discretion of the Board's presiding officer at the meeting.
- (4) At the meeting, and in closed session, the board will review the person's criminal history and petition documents. Afterward, the Board will vote in the public session for a motion to render a determination regarding the petition.
- (5) A written determination letter will be prepared and sent to the petitioner. The letter must be sent within 90 days of the board's receipt of the complete petition packet.
- (6) Data regarding the petition will be maintained and reported as required by Section 2 of AB 319.
- (7) The petitioner's file should include the criminal history documents and maintained per NCIS requirements.