



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

House: COM DPA 6-3-0-1 | 3<sup>rd</sup> Read 59-0-1-0

Senate: COM DPA 8-0-1-0 | 3<sup>rd</sup> Read 30-0-0-0

## **HB 2787: occupational regulation; good character; definition**

**Sponsor: Representative Burges, LD 1**

**Senate Engrossed**

### **Overview**

Outlines certain information that an agency may not negatively consider in determining if a person's criminal record disqualifies them from occupational licensure or certification.

### **History**

Under current law, a person with a criminal record may petition an agency for a determination of whether the person's criminal record disqualifies them from obtaining a license, permit, certificate or other state recognition.

The petition must include the person's complete criminal history record and any additional information about the person's current related circumstances.

The agency may determine that a criminal record is disqualifying only if the agency concludes that the state has an important interest in protecting public safety that is superior to the person's rights. ([A.R.S. 41-1093.04.](#))

### **Provisions**

1. Defines *moral turpitude* as an offense, whether a misdemeanor or felony, that is related to extortion, burglary, larceny, bribery, embezzlement, robbery, racketeering, money laundering, forgery, fraud, murder, voluntary manslaughter or a sexual offense that requires the individual to register as a sex offender. (Sec. 1)
2. Allows a person petitioning an agency for a determination of disqualification to authorize the agency to obtain the person's criminal history record. (Sec. 2)
3. Modifies the considerations used to conclude that the state's interests are superior to the person's right to obtain a license, permit, certificate or other state recognition. (Sec. 2)
4. Prohibits an agency, when determining disqualification, from negatively considering:
  - a) Nonconviction information;
  - b) A conviction that has been sealed, dismissed, expunged or pardoned;
  - c) A juvenile adjudication; or
  - d) A nonviolent misdemeanor. (Sec. 2)
5. Requires the written determination of the petition to include the grounds and reasons for the determination if the person's criminal history disqualifies the person. (Sec. 2)
6. Clarifies the agency may inform the person of the earliest date the person may submit a new petition, which must be no later than two years after the final determination of the initial petition. (Sec. 2)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note

7. Expands the list of additional offenses that requires an agency to rescind a determination. (Sec. 2)
8. Specifies the considerations that an agency may not negatively consider relating to nonconviction information, dismissed or expunged convictions, and nonviolent misdemeanors do not apply to certain agencies or occupational licenses or certificates. (Sec. 2)
9. Instructs agencies to adopt forms for criminal record review petitions. (Sec. 2)
10. Requires Legislative Council to prepare conforming legislation to this Act. (Sec. 3)
11. Makes technical changes. (Sec. 1, 2)

**Senate Amendments**

1. Specifies that Occupational Regulation statutes do not:
  - a) Require a private employer to grant or deny employment; or
  - b) Impair a private employer's right to establish and enforce eligibility criteria, ethics codes or disciplinary policies.
2. Makes clarifying changes.