



ARIZONA STATE SENATE
Fifty-Sixth Legislature, Second Regular Session

FACT SHEET FOR S.B. 1367

occupational license; criminal record

Purpose

Modifies the criteria for a state agency to determine whether a person's criminal record disqualifies the person from receiving a license, permit or certificate, requires the state to provide a person with the steps to remedy a disqualification and modifies the annual reporting requirement.

Background

A person with a criminal record may petition a state agency for a determination of whether the person's criminal record disqualifies the person from obtaining a license, permit or certificate. If the person's criminal history disqualifies the person, a state agency must issue a determination within 90 days that includes the grounds and reasons for the determination.

The state agency may only determine that the person's criminal record disqualifies the person from obtaining a license, permit or certificate if the state agency concludes that the state has an important interest in protecting public safety that is superior to the person's right and the person was convicted: 1) within the previous seven years, of a felony offense, violent crime or other specified offense; or 2) at any time, of a dangerous offense, serious offense, dangerous crime against children, sexual offense, sexual exploitation of children offense or an offense that a law specifically requires the agency to consider when issuing a license, permit or certificate. If a state agency determines that the state's interest to protect public safety is superior to the person's right, the agency may advise the person of the actions that the person may take to remedy the disqualification. Specified disqualifying offenses and offenses that may not be considered for disqualification do not apply to the statutory requirements for a fingerprint clearance card.

Each state agency must submit a report by July 1 of each year to the Governor and Legislature that includes the following information for the previous calendar year: 1) the number of applicants who petitioned the agency for a determination; 2) the number of petitions that were granted and the types of offenses at issue; 3) the number of petitions that were denied and the types of offenses at issue; and 4) the number of determinations that were rescinded ([A.R.S. § 41-1093.04](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Reduces from the prior seven years to the prior three years, the period during which a conviction of specified offenses is considered by the state agency to determine disqualification from obtaining an occupational license, permit or certificate.

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2. Requires, rather than allows, a state agency that determines that a person's criminal record disqualifies the person from obtaining an occupational license, permit or certificate to advise the person of the steps to remedy the disqualification.
3. Excludes any conviction that has been sealed from being considered while determining whether a person's criminal record disqualifies the person from obtaining an occupational license, permit or certificate.
4. Specifies that the potential disqualifying convictions for listed offenses apply to a person who is required to receive a fingerprint clearance card for an occupational license or permit, except for licenses or registration certificates for private investigators or security guards.
5. Specifies that the outlined exclusions that may not be considered as disqualifying convictions apply to a person who is required to receive a fingerprint clearance card for an occupational license or permit, except for licenses or registration certificates for private investigators or security guards.
6. Requires each state agency, by July 1 of each year, to post on its website the annual report on determinations of whether a person's criminal record disqualifies them from obtaining an occupational license, permit or certificate.
7. Makes technical changes.
8. Becomes effective on the general effective date.

Prepared by Senate Research

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