

**335B.030 Written notice of denial of position of public employment based on prior criminal conviction -- Disqualification of individual from occupation requiring license -- Connection between prior conviction and license sought required -- Hearings and appeals.**

- (1) (a) If a hiring or licensing authority denies an individual a position of public employment solely because of the individual's prior conviction of a crime, the hiring or licensing authority shall notify the individual in writing of the following:
  1. The grounds and reasons for the denial or disqualification;
  2. That the individual has the right to a hearing conducted in accordance with KRS Chapter 13B, if written request for hearing is made within ten (10) days after service of notice;
  3. The earliest date the person may reapply for a position of public employment or a license; and
  4. That evidence of rehabilitation may be considered upon reapplication.
- (b) Any party aggrieved by a final order issued by a hiring or licensing authority after a hearing under this subsection may appeal to Franklin Circuit Court in accordance with KRS Chapter 13B.
- (2) (a) Except as provided in paragraph (b) of this subsection, a hiring or licensing authority shall not disqualify an individual from pursuing, practicing, or engaging in any occupation for which a license is required solely because of the individual's prior conviction of a crime, unless the authority provides the individual with a written notice that the authority has determined that the prior conviction may disqualify the person, demonstrates the connection between the prior conviction and the license being sought, and affords the individual an opportunity to be personally heard before the board prior to the board making a decision on whether to disqualify the individual. If the license is denied after the person was heard, the hiring or licensing authority shall notify the individual in writing of the following:
  1. The grounds and reasons for the denial or disqualification;
  2. That the individual has the right to a hearing conducted in accordance with KRS Chapter 13B, if a written request for hearing is made within ten (10) days after service of notice;
  3. The earliest date the person may reapply for a license; and
  4. That evidence of rehabilitation may be considered upon reapplication.
- (b) If an individual's prior conviction was for a Class A felony, a Class B felony, or any felony offense that would qualify the individual as a registrant pursuant to KRS 17.500, there shall be a rebuttable presumption that a connection exists between the prior conviction and the license being sought.
- (c) Any party aggrieved by a final order issued by a hiring or licensing authority after a hearing under this subsection may appeal to Franklin

Circuit Court in accordance with KRS Chapter 13B.

- (3) Except as provided in subsection (2)(b) of this section, in any administrative hearing or civil litigation authorized under this section, the hiring or licensing authority shall carry the burden of proof on the question of whether the prior conviction directly relates to the position of employment sought or the occupation for which the license is sought.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 158, sec. 31, effective June 29, 2017. -- Amended 1996 Ky. Acts ch. 318, sec. 312, effective July 15, 1996. -- Created 1978 Ky. Acts ch. 210, sec. 3, effective June 17, 1978.