



**Justice Center**

THE COUNCIL OF STATE GOVERNMENTS

# Wyoming Fair Chance Licensing

*Reducing Criminal Record Barriers*

Michelle Feldman, Economic Mobility Program Director

# Fair Chance Licensing Initiative

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Assist states in economic recovery.

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Enhance good-paying job access.

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Improve re-entry outcomes.

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Provide businesses with qualified candidate pool.



# Fair Chance Licensing & Juvenile Justice

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Career paths needed for older juveniles.

No explicit bar on denials for juvenile records.

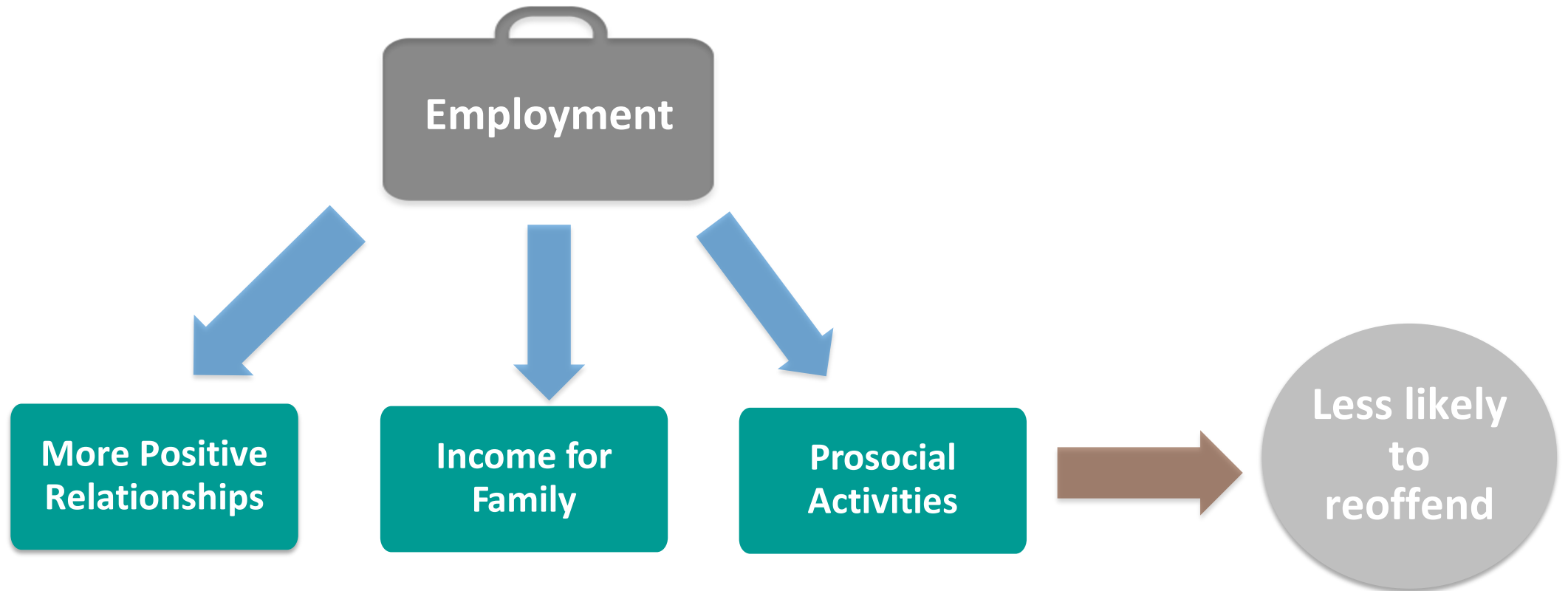
Unrelated crimes up to 20 years prior can be considered.



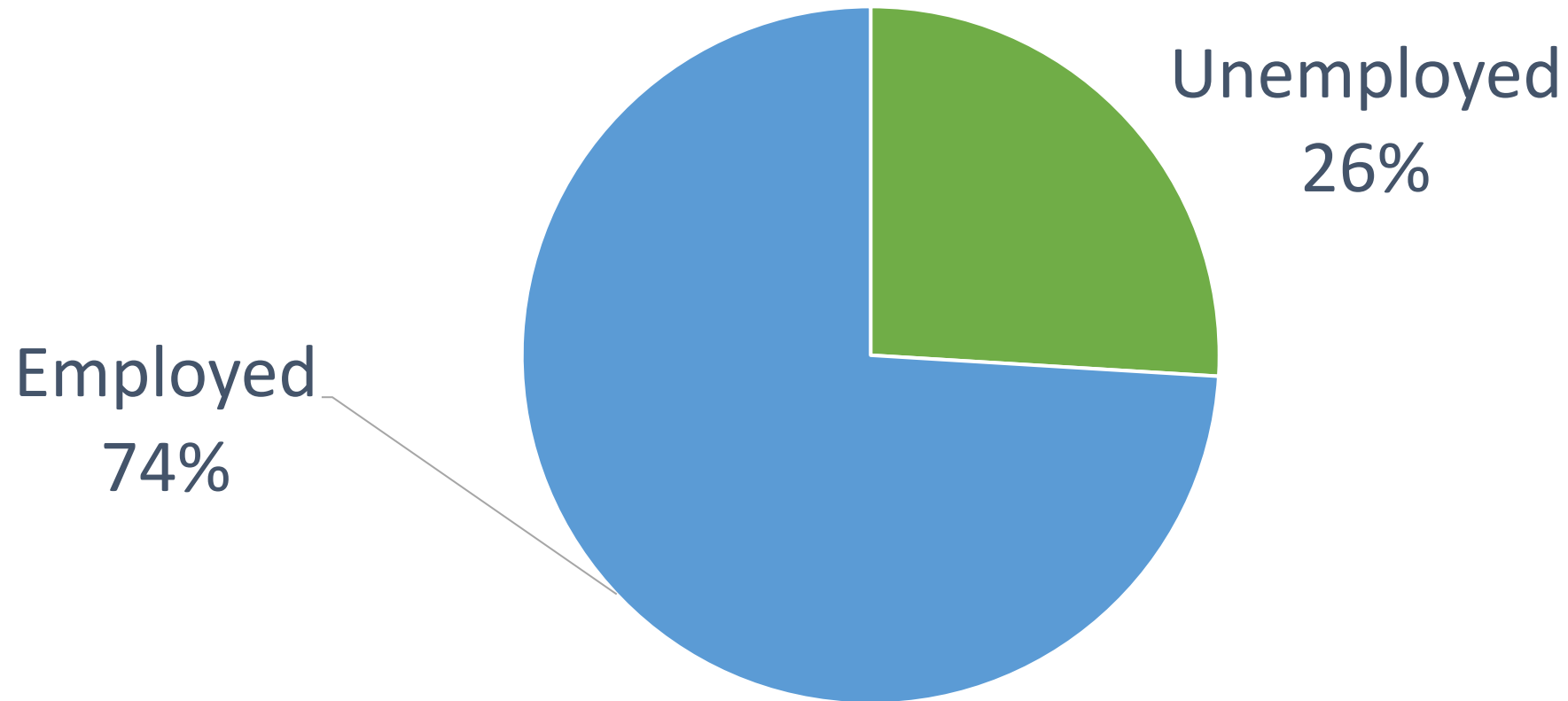
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# Employment is Key to Successful Reentry



# National Unemployment Rate of Formerly Incarcerated



# Wyoming Structural Barriers to Work

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## NUMBER OF EMPLOYMENT-RELATED CONSEQUENCES BY TYPE

**153** OCCUPATIONAL LICENSING

**125** EMPLOYMENT (DIRECT)

**82** BUSINESS LICENSING

*Source: National Inventory of Collateral Consequences of Conviction*

## Why Licensing Access Matters

97 Different Occupations Require  
Licenses in Wyoming

Licensed professions= Higher wages

Lower Barriers to Entry

# General Criminal Record Licensing Barriers

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Lack of clarity for boards & applicants.

No uniform practice for assessing criminal records.

Deterrence & exclusion.

# Fair Chance Licensing Goals

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Clear guidance for boards & applicants.

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Consistent evaluation across WY's 45 licensing boards.

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Case-by-Case: Record in context of whole individual



## Wyoming Fair Chance Licensing (2018)

Limits consideration to crimes “affecting the practice of the profession.”

Replaced “good moral character” requirements.

Boards may cite specific factors as public policy, including:

- Relationship between offense, profession & purpose of regulating profession.
- Whether profession offers opportunities for similar offense,
- Opportunity to appeal

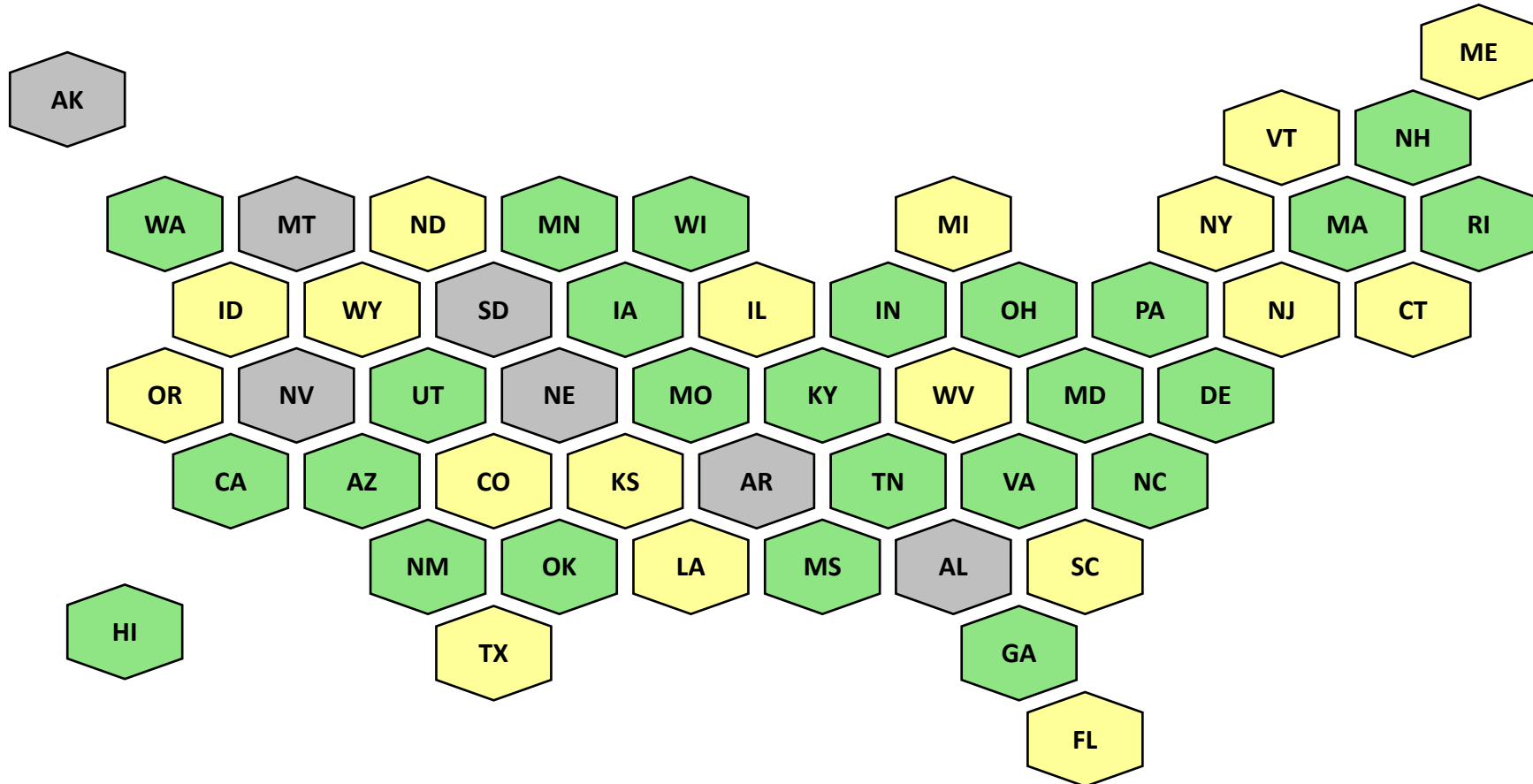
20-year look-back limit.

# 1. "Direct relationship" between offense & profession

 Fully (25)

 Partially (18)

 Not implemented (7)



## Current Law: Affect Practice v. Direct Relationship

Shall not consider prior convictions that do not affect the practice of the profession or occupation or the ability to practice the profession...

The board, commission, commissioner or authority may cite as state policy the following:

*(ii) It is public policy to consider whether the elements of an offense are directly related to the specific duties and responsibilities of that profession or occupation;*

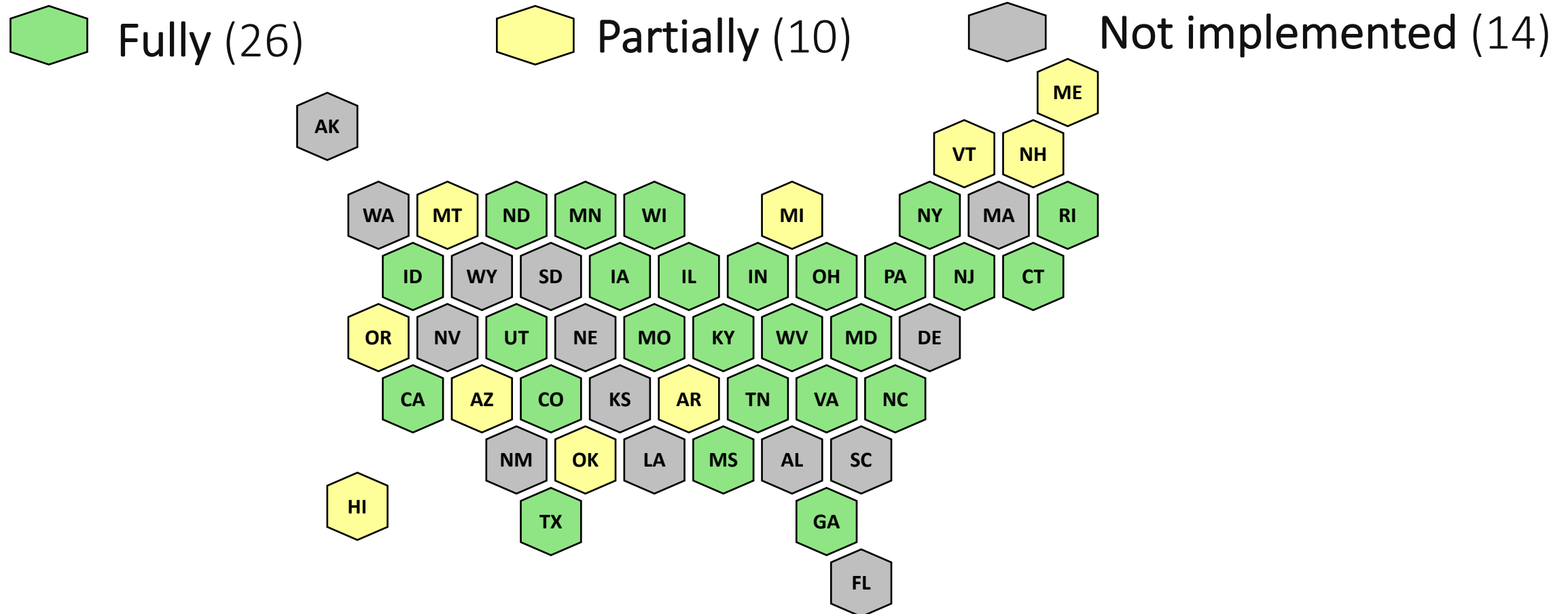
## Iowa: Direct Relationship

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Notwithstanding any other provision of law to the contrary, ... a person's conviction of a crime may be grounds for the denial, revocation, or suspension of a license only if an unreasonable risk to public safety exists because the offense directly relates to the duties and responsibilities of the profession ....

## 2. Require individual factor assessment

- Nature & seriousness of crime & mitigating circumstances.
- Time elapsed since the crime & age of conviction.
- Evidence of rehabilitation.



# Current Law: Factor Assessment

The board, commission, commissioner or authority may cite as state policy the following:

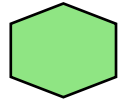
- (i) It is public policy to reduce recidivism by addressing barriers to employment and encouraging appropriate employment and licensure of persons with arrest and conviction records;*
- (ii) It is public policy to consider whether the elements of an offense are directly related to the specific duties and responsibilities of that profession or occupation;*
- (iii) It is public policy to consider whether the profession or occupation offers the opportunity for the same or a similar offense to occur;*
- (iv) It is public policy to consider the relationship of the offense to the purposes of regulating the profession or occupation; and*
- (v) It is public policy to consider whether there is ample opportunity for a person denied a license due to a prior criminal conviction to appeal the denial.*

# Idaho: Factor Assessment

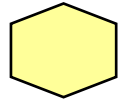
A licensing authority shall not deny a license...on the basis of such applicant having a prior conviction of a crime, unless such conviction is currently relevant to the applicant's fitness to engage in such profession... The licensing authority shall make its determination based on consideration of the following factors:

- (a) The nature and seriousness of the crime...
- (b) The relationship of the crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation;
- (c) The passage of time since the commission of the crime;
- (d) Any evidence of rehabilitation or treatment undertaken by the individual; and
- (e) Any other relevant factor.

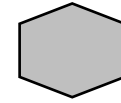
# 3. Explicitly bar consideration of juvenile records.



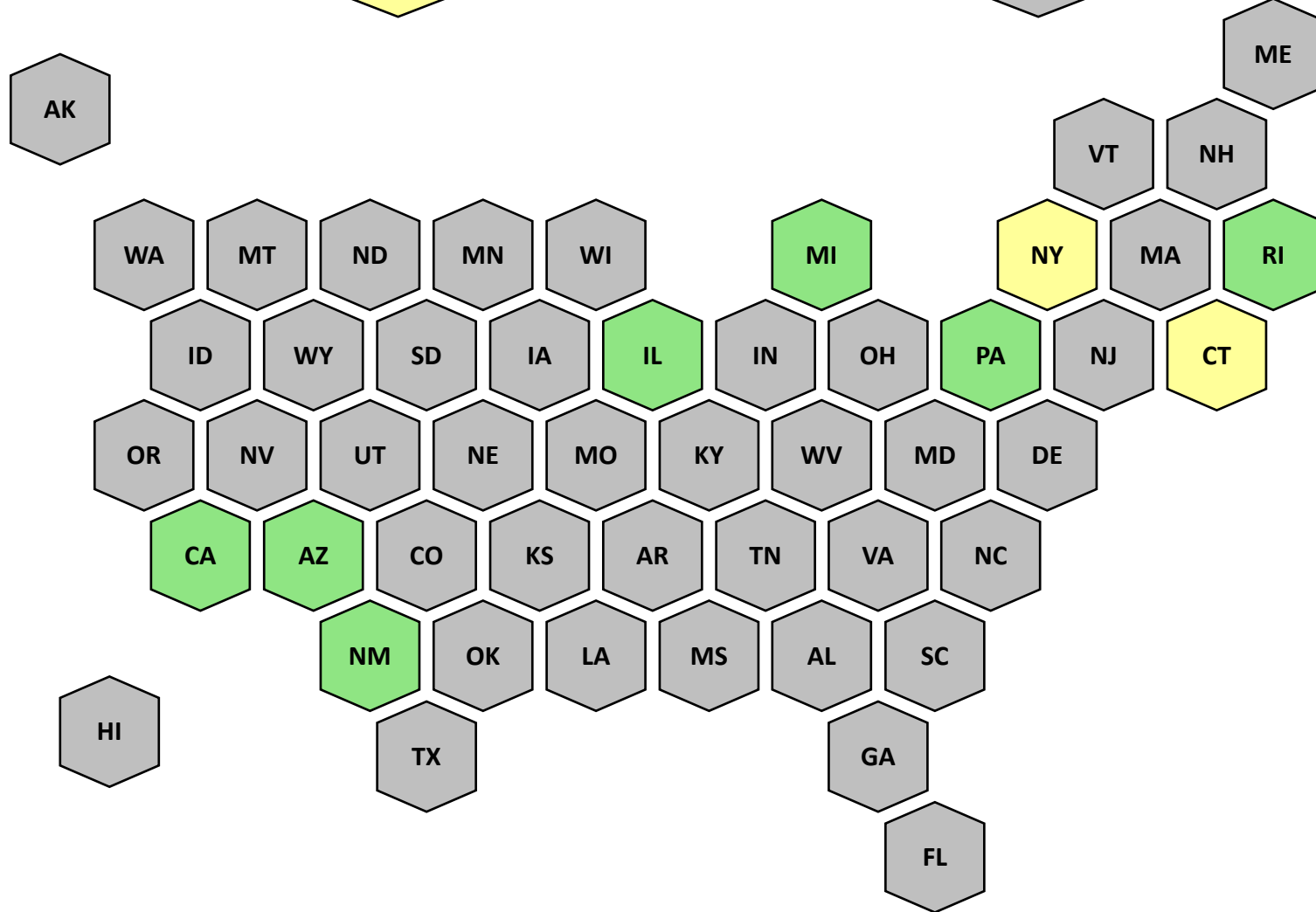
Fully (7)



Partially (2)

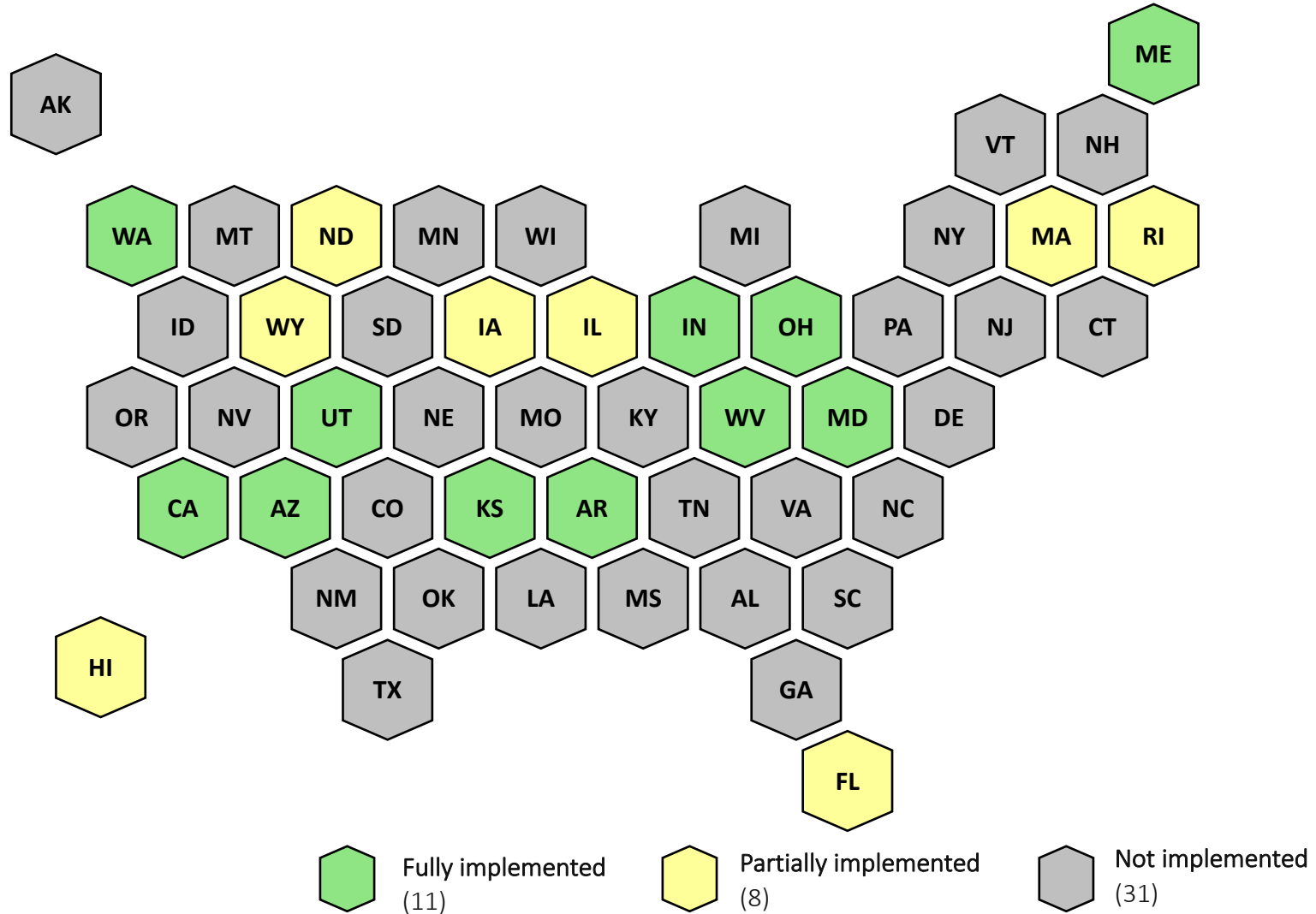


Not implemented (41)





# 5. Time Limit on Considering Old Crimes



## States with Time Limits (11)

Years	From Conviction	From Sentence Ending
5 years	OH, WV	AR
7 years	AZ, CA	MD, UT
10 years	WA	

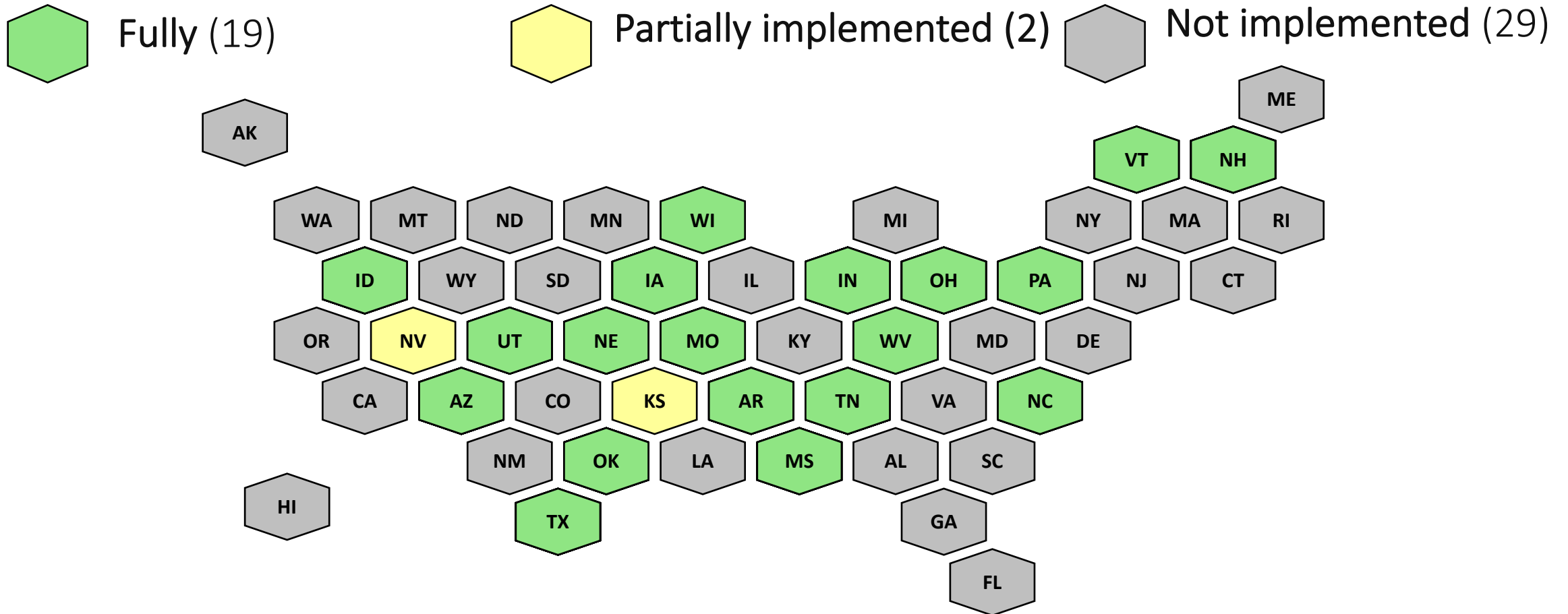
## Current Law: Time Limit

(c) No board, commission, commissioner or authority authorized to regulate through licensure...shall consider evidence of any conviction more than twenty (20) years old...when analyzing a person's criminal history pursuant to the board's, commission's, commissioner's or authority's regulatory duties, except when:

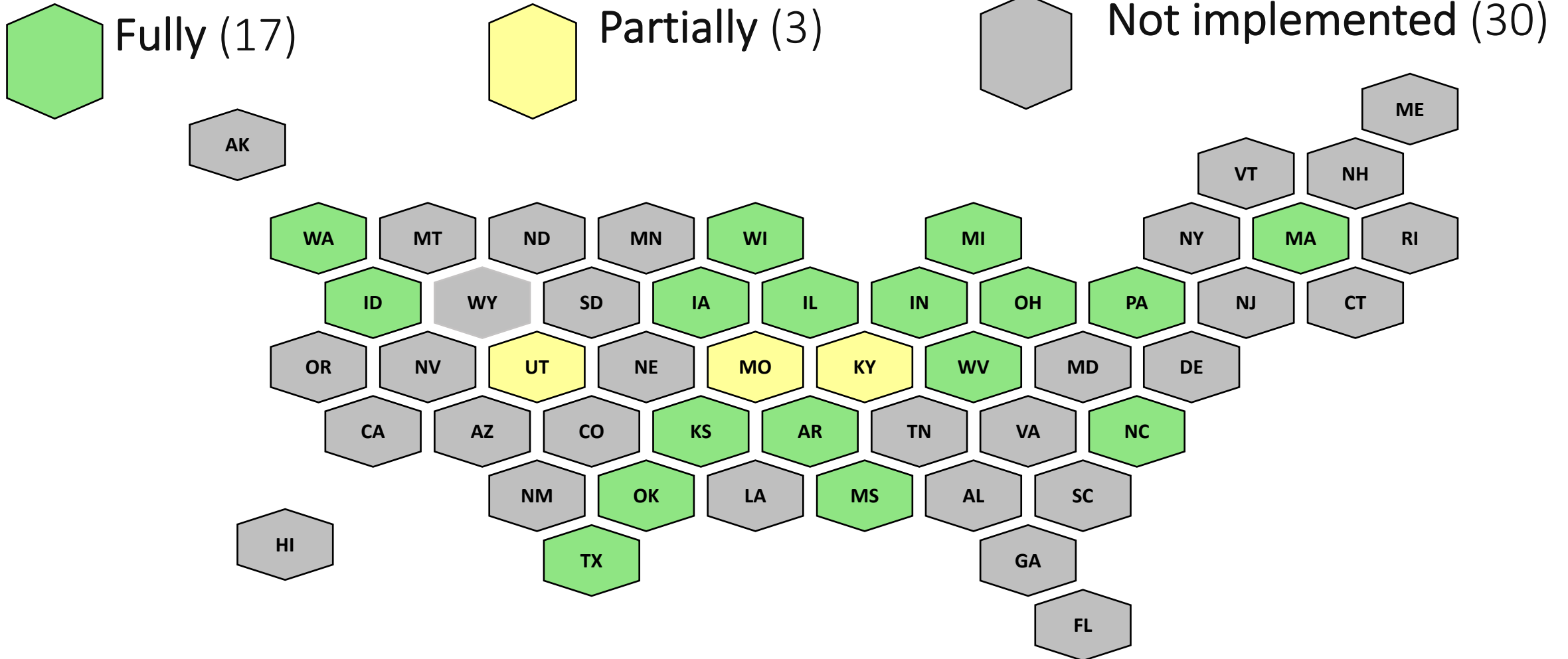
(i) The sentence, including all incarceration, parole and probation, for the conviction is incomplete or has been completed within fewer than the last ten (10) years;

# 6. Provide pre-application determinations

Of whether criminal require is disqualifying prior to completion of education & training.



# 7. Explicitly bar denials based on “good moral character.”



# Water Well Driller/Pump Installer

Board: Water Well Contractors Board

Mean Salary: \$50,695

Requirements:

1. Must be at least 18 years old.
2. Pass exams prescribed by the Board.
- 3. Be of good moral character and repute.**
4. Proof of current coverage under a general liability insurance policy.



## Idaho: Bar on “Character” Requirements

A licensing authority shall not deny a license, certificate, registration, permit, or other authorization to practice a profession or occupation to an applicant on the basis of vague or generic terminology related to a criminal conviction, including but not limited to "moral turpitude" or "moral character." Where such terms appear in code or rule with respect to a criminal conviction, a licensing authority shall conduct a relevancy evaluation pursuant to subsection (1) of this section.