

SENATE, No. 2612

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 25, 2020

Sponsored by:

Senator KRISTIN M. CORRADO

District 40 (Bergen, Essex, Morris and Passaic)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Co-Sponsored by:

Senator Singleton

SYNOPSIS

Allows issuance of limited license to individual who would otherwise be denied license due to criminal conviction.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 7/30/2020)

1 **AN ACT** concerning the issuance of professional and occupational
2 licenses to individuals with criminal convictions, and
3 supplementing P.L.2007, c.307 (C.45:1-21.4 et seq.).
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. As used in this act:

9 “Applicable entity” means a board, committee, or any State body
10 that issues a credential for a profession or occupation.

11 “Credential” means a license, certificate of registration,
12 certification, or other credential issued in order for an individual to
13 legally perform services of a specific profession or occupation.
14

15 2. Notwithstanding the provisions of any law, rule, or
16 regulation to the contrary, if a county correctional facility or the
17 Department of Corrections offers training in a profession or
18 occupation which requires the issuance of a credential in order to
19 engage in the profession or occupation, an applicable entity may
20 issue a limited credential to an individual who has completed that
21 training as an alternative to refusing to issue the credential as a
22 result of a finding that the individual lacks the fitness to engage in
23 the profession or occupation due to a criminal conviction or is
24 otherwise ineligible for a credential due to a criminal conviction.
25 The applicable entity shall determine:

26 a. the period of time during which the individual may work
27 under a limited credential; and

28 b. the conditions placed on the limited credential.
29

30 3. a. Notwithstanding the provisions of any law, rule, or
31 regulation to the contrary, an individual with a criminal conviction
32 may, pursuant to the provisions of section 2 of this act, demonstrate
33 fitness for issuance of a limited credential by submitting evidence
34 that:

35 (1) the individual has successfully completed training provided
36 by a county correctional facility or the Department of Corrections
37 for the profession or occupation for which the limited credential is
38 sought by the individual;

39 (2) while incarcerated, the individual maintained a record of
40 good behavior, including the successful completion of any required
41 rehabilitative programming offered by a county correctional facility
42 or the Department of Corrections;

43 (3) the individual has not been found to be in violation of
44 probation or parole; and

45 (4) the individual has demonstrated a commitment to living a
46 law-abiding life, which may be established by a letter of
47 recommendation from the individual’s probation officer, parole
48 officer or appropriate official within the county correctional facility

1 or the Department off Corrections, or by any other means, at the
2 discretion of the applicable entity.

3 b. The applicable entity shall impose conditions on an
4 individual with a limited credential, including:

5 (1) limiting the scope or location of the individual's practice;

6 (2) assigning another individual with a credential in the same
7 profession or occupation to reasonably supervise the individual with
8 a limited license during business hours;

9 (3) requiring notification to the applicable entity when the
10 supervising individual changes; and

11 (4) any other condition the applicable entity deems appropriate.

12

13 4. A limited license provided to an individual pursuant to the
14 provisions of this act shall be immediately revoked if:

15 a. the individual is convicted of a crime of the first, second,
16 third, or fourth degree, or a disorderly persons offense, or a similar
17 offense in another jurisdiction following the receipt of the limited
18 license; or

19 b. the individual with a limited license fails to comply with any
20 of the conditions imposed by the applicable entity.

21

22 5. Within 30 days of the expiration of the term of the limited
23 license, the supervisor of the individual with the limited license
24 shall provide written notice to the applicable entity as to whether
25 the individual complied with the conditions imposed by that
26 applicable entity. If the individual who was issued the limited
27 license complies with those conditions throughout the term of the
28 license and meets all other qualifications for licensure under the
29 applicable practice act, an unrestricted license shall be issued to
30 practice that profession or occupation by the applicable entity.
31 Nothing in this section shall be construed to limit any of the other
32 powers and duties of the applicable entity.

33

34 6. This act shall take effect immediately.

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STATEMENT

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39 This bill allows an applicable entity, defined in the bill as "a
40 board, committee, or any State body that issues a credential for a
41 profession or occupation," to issue a limited license if an individual
42 with a criminal conviction successfully completes training offered
43 by a county correctional facility or the Department of Corrections
44 that is necessary in order to practice a specific profession or
45 occupation. The applicable entity is to establish the period of time
46 an individual can work under the limited license and place
47 conditions on the license. An individual seeking a limited license
48 can show their fitness for this license by submitting evidence to the

1 applicable entity that demonstrates successful completion of
2 training, a record of good behavior while incarcerated, and no
3 violations of parole or probation. Letters of recommendation can
4 also be submitted by an appropriate official demonstrating that the
5 individual is committed to living a law-abiding life.

6 Conditions are to be set by the applicable entity to limit the
7 scope and location of an individual's practice, to assign a supervisor
8 to the individual at the place of employment, and to require the
9 individual with the limited license to notify the entity if there is a
10 change of supervisors. The applicable entity can also impose
11 additional conditions. A limited license is to be revoked if the
12 individual with such license 1) is convicted of a crime of the first,
13 second, third, or fourth degree, or a disorderly persons offense in
14 New Jersey, or a similar offense in another jurisdiction, or 2) fails
15 to comply with the conditions placed on a limited license.

16 Within 30 days of the expiration of a limited license, the
17 supervisor of the individual with the limited license is to provide
18 written notice to the applicable entity that issued the limited license
19 addressing if the individual complied with all conditions of the
20 license. The applicable entity is to issue an unrestricted license if
21 the individual complied with the conditions of the limited license
22 for the length of the license and meets all of the other qualifications
23 for licensure under the applicable practice act of the profession or
24 occupation. Nothing in this section shall be construed to limit any
25 of the other powers and duties of the applicable entity.