

HOUSE BILL NO. HB0039

Pre-application determinations for licensing.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to professions and occupations;
2 establishing a procedure by which applicants for licenses
3 and certifications can seek a pre-application determination
4 as specified; authorizing the access and dissemination of
5 criminal history record information for pre-application
6 determinations as specified; making conforming amendments;
7 authorizing a fee; authorizing rulemaking; and providing
8 for an effective date.

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10 *Be It Enacted by the Legislature of the State of Wyoming:*

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12 **Section 1.** W.S. 7-19-106(a) by creating a new
13 paragraph (xxxvi) and 33-1-304 by creating a new subsection
14 (e) are amended to read:

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1 7-19-106. Access to, and dissemination of,
2 information.

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4 (a) Criminal history record information shall be
5 disseminated by criminal justice agencies in this state,
6 whether directly or through any intermediary, only to:

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8 (xxxvi) Any professional licensing board,
9 commission, commissioner or authority that otherwise has
10 authority to receive criminal history record information
11 under this subsection, for purposes of obtaining criminal
12 history background information for pre-application
13 determination in accordance with W.S. 33-1-304(e).

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15 33-1-304. Considering criminal convictions;
16 pre-application determinations.

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18 (e) Any person who has been previously convicted of a
19 crime may at any time apply to a board, commission,
20 commissioner or authority authorized to establish
21 examination, inspection, permit, license, certification or
22 registration requirements for any profession or occupation
23 regulated under this title or under W.S. 7-4-211,

1 11-25-201, 15-5-103, 17-4-406, 21-2-802, 23-2-414, 26-4-101
2 or 40-22-109 for a determination as to whether one (1) or
3 more of the person's criminal convictions will prevent the
4 person from receiving a license, certification or
5 registration. Each board, commission, commissioner or
6 authority may by rule establish a procedure by which an
7 application submitted under this subsection is reviewed and
8 may by rule delegate the authority to review an application
9 to a staff member of the board, commission, commissioner or
10 authority. A board, commission, commissioner or authority
11 may request criminal history background information for
12 purposes of reviewing an application under this subsection
13 in accordance with W.S. 7-19-106(a)(xxxvi). The board,
14 commission, commissioner or authority may by rule establish
15 and charge a reasonable fee to recover the costs of
16 researching and developing a determination under this
17 subsection, provided that any fee shall not exceed the
18 costs of providing the determination under this subsection.
19 A determination made by a board, commission, commissioner
20 or authority under this subsection shall not be binding
21 upon the board, commission, commissioner or authority.

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1 **Section 2.** This act is effective July 1, 2022.

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(END)