



BARRED From **Working**

A **Nationwide Study** of Occupational
Licensing Barriers for Ex-Offenders

By Nick Sibilla
May 2020

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TABLE OF CONTENTS

Executive Summary	1
The Problem	3
Recommended Reforms	4
Methodology	5
Grading Scale	7
State Grades	9
About the Author	113



EXECUTIVE SUMMARY

Earning an honest living is one of the best ways to prevent re-offending. But strict occupational licensing requirements make it harder for ex-offenders to find work, thwarting their chances of successful reentry. Along with other “collateral consequences,” like losing the right to vote or the ability to receive government assistance, ex-offenders can be denied a license to work simply because of their criminal record.

This report provides the most up-to-date account of occupational licensing barriers for ex-offenders and will be regularly updated whenever a state changes its laws. Using 10 distinct criteria, this report grades all 50 states and the District of Columbia on their legal protections for licensing applicants with criminal records. (See Methodology.)

- The average state grade is a C-. Nationwide, only nine states—Arizona, California, Illinois, Indiana, Minnesota, Mississippi, New Hampshire, North Carolina, and Utah—earned a B- or better. Reflecting the surge of interest in this issue, eight of those nine states have reformed their licensing laws since 2015.
- Indiana ranked as the best state in the nation for ex-offenders seeking a license to work, earning this report’s only A grade. In contrast, six states—Alabama, Alaska, Nevada, Rhode Island, South Dakota, and

Vermont—were tied for last, receiving a zero on a 100-point scale for their lack of protections for felons seeking licenses.

This report finds that licensing restrictions vary dramatically, with multiple states lacking even the most basic protections for ex-offenders seeking a license to work:

- Licensing boards in nine states can generally disqualify applicants based on any felony, even if it is completely unrelated to the license sought.
- In 21 states, boards are free to deny licenses without ever considering whether an applicant has been rehabilitated.
- Applicants in 34 states can be denied licenses based on an arrest that did not lead to a criminal conviction. In other words, boards can refuse to issue a license even though the applicant is functionally innocent.
- In 12 states, applicants have no guaranteed right to appeal a board’s decision, and boards are not required to issue their decisions in writing.



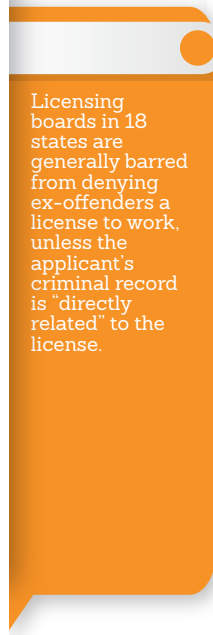
Even within states, restrictions can be inconsistent:

- Eighteen states and Washington, D.C. exempt entire categories of occupational licenses (predominantly those in health-related fields) from their main laws providing protections for ex-offenders seeking licenses. Ex-offenders who apply for one of those licenses receive few, if any, of the protections those jurisdictions otherwise guarantee to applicants in other fields.
- Kansas exempts from its protections any license for “any profession...that requires a degree beyond a bachelor’s degree,” effectively blocking many well-paying career paths for people with criminal records.

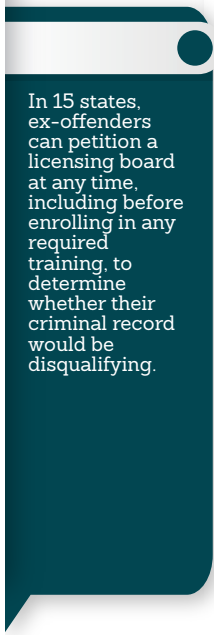
States are Increasingly Enacting Reforms without Jeopardizing Public Safety



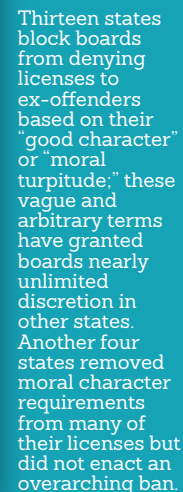
Since 2015, 30 states have eased or eliminated licensing barriers for people with criminal records.



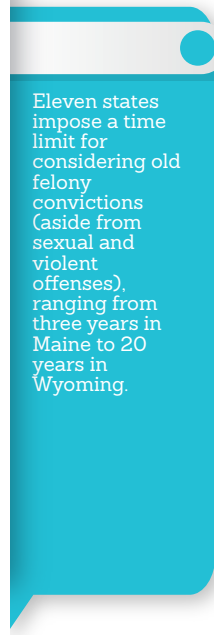
Licensing boards in 18 states are generally barred from denying ex-offenders a license to work, unless the applicant’s criminal record is “directly related” to the license.



In 15 states, ex-offenders can petition a licensing board at any time, including before enrolling in any required training, to determine whether their criminal record would be disqualifying.



Thirteen states block boards from denying licenses to ex-offenders based on their “good character” or “moral turpitude;” these vague and arbitrary terms have granted boards nearly unlimited discretion in other states. Another four states removed moral character requirements from many of their licenses but did not enact an overarching ban.



Eleven states impose a time limit for considering old felony convictions (aside from sexual and violent offenses), ranging from three years in Maine to 20 years in Wyoming.



THE PROBLEM

Thanks to the dramatic growth in both mass incarceration and occupational licensing, millions of ex-offenders are barred from following the career path of their choice.

A 2017 **study** estimated that more than 19 million Americans, or 8% of all adults, had a felony conviction in 2010. That figure represents a tenfold increase from 1950 and has likely risen since. The study further estimated that roughly one in seven men and a staggering one in three African American men had been convicted of a felony. But those numbers are limited to felonies. Once misdemeanor convictions and arrest records are added in, the number of Americans with a criminal record of some kind soars to well over **70 million**.

Meanwhile, **nearly one in five** Americans needs a license to work today—a fourfold increase from the 1950s. No longer limited to trades like law and medicine, many licenses require hundreds of hours of training or experience. One **study** by the Institute for Justice found that the average license for lower-income occupations requires completing nearly a year of education and experience, passing an exam, and paying \$267 in fees. Moreover, many licensing burdens seem disproportionate to an occupation's public safety risk. For instance, cosmetologists face **more stringent requirements** for their licenses than emergency medical technicians do for theirs.

Far too many licensing restrictions needlessly lock workers with criminal records out of their chosen careers.

These licensing restrictions and other economic collateral consequences come with a heavy price. One study by the Center for Economic and Policy Research **estimated** that in 2014, employment barriers for the incarcerated and those with felony convictions cost the nation's economy up to \$87 billion in annual gross domestic product. That was "the equivalent to the loss of 1.7 to 1.9 million workers." Drops in the employment rate were particularly acute for black and Hispanic men and for men with less than a high school education.

Since steady employment is a key means of preventing re-offending, it should come as no surprise that onerous licensing may worsen recidivism. A **report** from the Center for the Study of Economic

Liberty at Arizona State University found that states with more burdensome licensing laws saw their average recidivism rates jump by 9%. By comparison, states with fewer licensing restrictions and no "good character" provisions had recidivism rates decline by 2.5%, on average. Notably, licensing burdens were second only to the overall labor market climate when it came to influencing recidivism rates.

Far too many licensing restrictions needlessly lock workers with criminal records out of their chosen careers. This report drives home the pressing need for reform.



RECOMMENDED REFORMS

Encouragingly, licensing reform for ex-offenders has found wide, bipartisan support. Concerns about racial injustice and upward mobility motivate many on the left, while those on the right are drawn to the ideas of personal redemption and curbing bureaucratic power.

Several common-sense reforms would go far to promote economic opportunity for ex-offenders. Lawmakers should generally avoid blanket bans on licenses for ex-offenders and allow licensing denials based only on crimes directly related to the license sought. Boards should be required to consider multiple factors, including evidence of rehabilitation and the time elapsed since the crime was committed. States should also provide impartial hearings to guarantee due process for applicants and require boards to bear the burden of proof that an ex-offender would pose a genuine threat to public safety if licensed.

Finally, reducing or fully repealing licensing requirements would further help ex-offenders find a vocation to support themselves. After all, fewer licenses means fewer ways for agencies to control workers and aspiring entrepreneurs—whether or not they have a criminal record.

For too long, collateral consequences have imposed a “civil death” on ex-offenders. Protecting their right to earn an honest living would go far in granting them a second chance at life.

For more information, please see the Institute for Justice’s [Model Collateral Consequences in Occupational Licensing Act](#).

METHODOLOGY

This report grades all 50 states and the District of Columbia on 10 separate criteria. The criteria were derived from the Institute for Justice's [Collateral Consequences in Occupational Licensing Act](#), model legislation that details best practices for ensuring economic opportunity for ex-offenders without jeopardizing public safety. States were graded based on their relevant statutes and regulatory code.

For this report, the 10 criteria were divided and weighted across three main categories: **Exclusion, Relevance, and Due Process**. In this report, each state is given an individualized breakdown for how they performed on each of the 10 criteria. States are praised if they have any notably strong provisions compared to the rest of the country and are given suggestions for reform that would improve their grades. Since many states have multiple licensing restrictions (typically depending on the crime committed or license sought), when applicable, the state page analyzes how these licensing barriers differ from the state's main law that provides protections for ex-offenders seeking licenses.

Exclusion

Accounting for 35% of a state's final grade, Exclusion consists of the limitations a state places on boards that block them from considering a person's criminal record. This category consists of four criteria:

Nationwide, the average Exclusion grade is a D. Indiana scores the highest with 95 points, while 10 states received a zero.

1

Overarching ban on blanket bans.

States receive 100% if they expressly ban boards from denying a license based solely or in part on a criminal record. However, states get docked 25% for each of the following fields they exclude: healthcare, security, education, or white-collar professions. (A state's grade is not affected for excluding attorneys, law enforcement, or corrections positions.) This accounts for 40% of a state's Exclusion grade.

2

Express ban on considering non-conviction records.

States receive 50% for blocking arrest records (aside from active cases) and 50% for barring records that have been sealed, expunged, annulled, erased, or undergone some other post-conviction remedy. This accounts for 20% of a state's Exclusion grade.

3

Time limit.

Research suggests that a person's likelihood of reoffending drops after three years. To account for this lower risk of recidivism and greater chance of desistance, states receive 100% if they block boards from considering a criminal record (other than sexual or violent felonies) older than three years, 75% for five years, 50% for seven years, and 25% for 10 years. This accounts for 20% of a state's Exclusion grade.

Wyoming, which imposes a 20-year time limit, receives 5%.

4

Ban on vague, discretionary character standards.

States receive 100% if they have an explicit, overarching ban on boards using vague, ambiguous terms like "good moral character" or "moral turpitude" to disqualify applicants. This accounts for 20% of a state's Exclusion grade.

States earn 75% if they have repealed multiple moral character requirements in their licensing laws but have not enacted an overarching ban.

Relevance

The most heavily weighted category, Relevance accounts for 40% of a state’s final grade and evaluates states for how they determine the relationship of an applicant’s criminal record to the license sought. This category consists of two criteria that each account for 50% of the Relevance grade:

In this report, the average Relevance grade is a C. Illinois and New Hampshire both tied for first with 95 points, while 9 states received a zero.

1 The relationship between a criminal conviction and the license sought.

More points are awarded to states that impose a more stringent standard:

- ▶ States that disqualify based on “directly” related crimes receive full marks.
- ▶ States that require crimes be “substantially” related earn 75%.
- ▶ States that require a “rational” relationship or can deny based on an “unreasonable risk” receive 50%.
- ▶ States that merely require a crime be “related” or “relevant” or can disqualify an applicant deemed “unfit or unsuited” for a license receive 25%.
- ▶ No relationship merits no marks.
- ▶ States are docked 25% if they exempt violent crimes from their relatedness test.
- ▶ *New Jersey uses an “adverse” relationship, which for the purposes of this report, is graded as 62.5%, i.e. halfway between substantially and reasonably related.*

2 Factors for consideration.

Factors for consideration. Applicants must be evaluated fairly and given individualized consideration. Factors are weighted in accordance with their importance. States receive 50% for requiring boards to consider evidence of rehabilitation, 20% for time elapsed since the offense, and 10% for each of the following factors: the applicant’s age, employment history, and any testimonials or personal references.

Due Process

Accounting for 25% of a state’s final grade, Due Process evaluates the protections a state provides to ensure that an applicant’s case is considered fairly. This category includes four criteria:

Nationwide, the average Due Process grade was a D. Indiana and Mississippi received perfect scores, while 11 states were tied for last with a zero score.

1 Petition process.

States earn 100% if they offer a process that allows applicants to petition boards to determine whether their criminal record would be disqualifying, including before they begin any costly training. States receive either full marks or nothing, while non-binding petitions receive no credit. This criterion contributes 40% to a state’s Due Process grade.

2 Burden of proof.

This consists of two parts: States receive 50% for explicitly placing the burden of proof on the government, while states earn another 50% for using the clear and convincing evidence standard. States that have a “rebuttable presumption” for select felonies receive just 25%. States that either explicitly place the burden on applicants or are otherwise unclear or unspecified receive no credit. This contributes 30% to a state’s Due Process grade.

3 Right to appeal.

This grade is binary, and states receive full marks only if they expressly guarantee the right to appeal a board’s decision. This contributes 20% to a state’s Due Process grade.

4 Written notice requirement.

This grade is binary, with top marks awarded only to states that require boards to notify applicants of their decisions in writing. This contributes 10% to a state’s Due Process grade.

GRADING SCALE

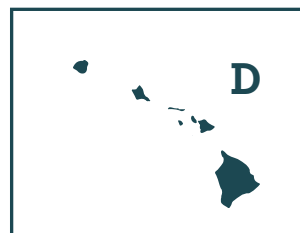
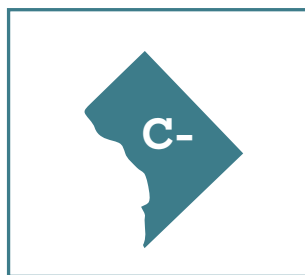
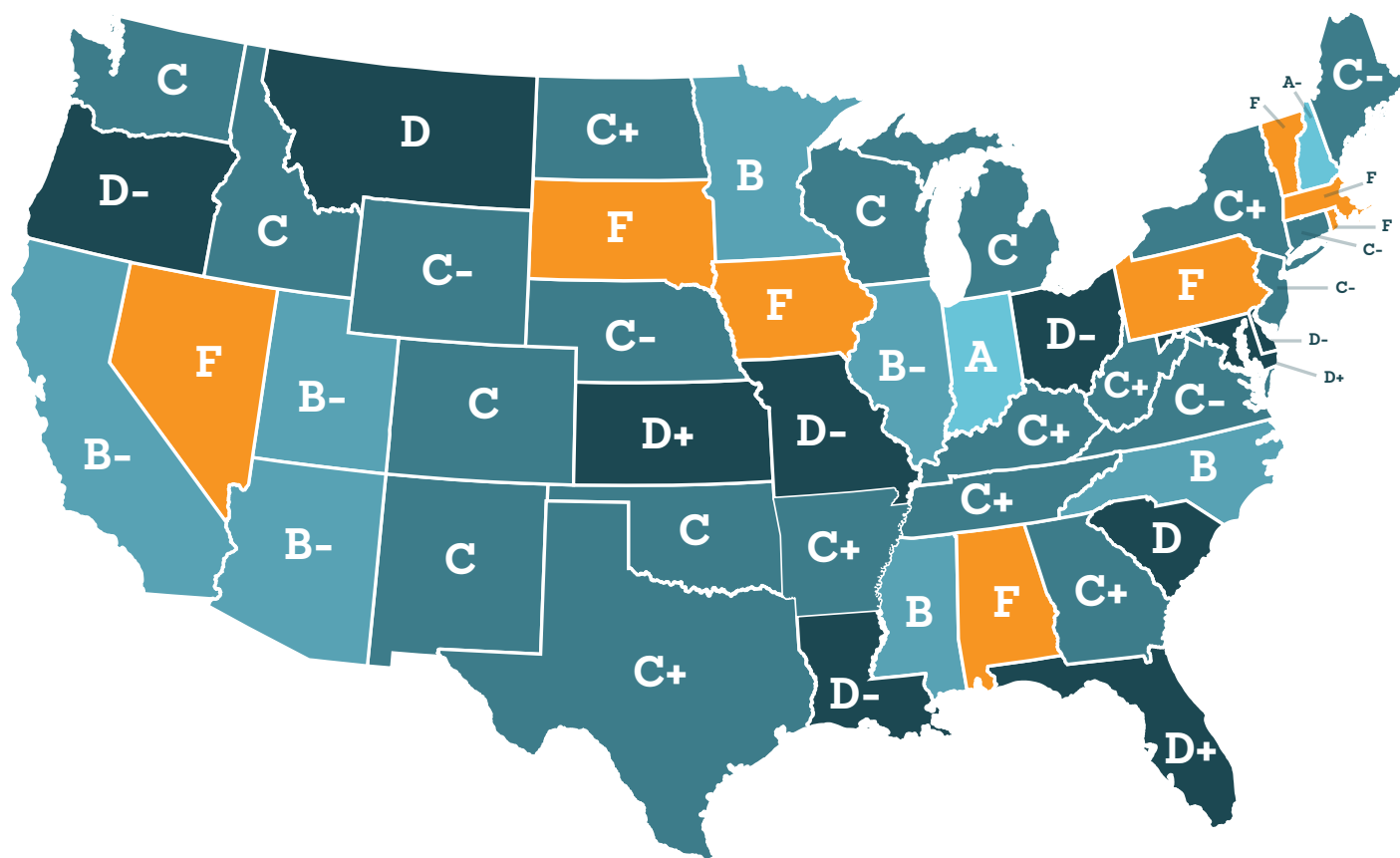
A+	A	A-	B+	B	B-
94-100	87-93	80-86	74-79	67-73	60-66
C+	C	C-	D+	D	D-
54-59	47-53	40-46	34-39	27-33	20-26
F					
0-19					

Once the state's final scores were calculated and rounded to the nearest whole number, states were given a letter grade according to the scale above.



STATE GRADES

Indiana	92	A	Wyoming	45	C-
New Hampshire	80	A-	District of Columbia	44	C-
North Carolina	72	B	Maine	44	C-
Mississippi	70	B	Connecticut	43	C-
Minnesota	70	B	Virginia	41	C-
Arizona	65	B-	Florida	39	D+
Utah	65	B-	Maryland	39	D+
California	65	B-	Kansas	38	D+
Illinois	60	B-	Hawaii	32	D
West Virginia	58	C+	Montana	32	D
Georgia	58	C+	South Carolina	27	D
Tennessee	57	C+	Oregon	26	D-
Arkansas	57	C+	Delaware	25	D-
New York	57	C+	Missouri	25	D-
Texas	56	C+	Louisiana	23	D-
North Dakota	56	C+	Ohio	21	D-
Kentucky	54	C+	Massachusetts	13	F
Oklahoma	52	C	Iowa	13	F
Wisconsin	51	C	Pennsylvania	9.5	F
New Mexico	50	C	Alabama	0	F
Idaho	50	C	Alaska	0	F
Michigan	49	C	Nevada	0	F
Colorado	48	C	Rhode Island	0	F
Washington	47	C	South Dakota	0	F
Nebraska	46	C-	Vermont	0	F
New Jersey	45	C-			





Alabama

Exclusion Grade: F
Relevance Grade: F
Due Process Grade: F

Alabama generally lacks protections for ex-offenders seeking licenses to work and received failing grades in all categories. The state is one of six to earn a zero score.

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	None
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F



Alaska

Exclusion Grade: F
Relevance Grade: F
Due Process Grade: F

Alaska generally lacks protections for ex-offenders seeking licenses to work and received failing grades in all categories. The state is one of six to earn a zero score.



Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and license sought	None
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F



Arizona

Exclusion Grade: D
Relevance Grade: A-
Due Process Grade: A-

Strengths

- Strong protections for due process.
- Requires boards to evaluate multiple mitigating factors (including evidence of rehabilitation) when considering licensing applications.

Areas for Improvement

- Prevent agencies from considering certain records like arrests and sealed cases.
- Ban agencies from using vague standards like “good moral character.”
- Extend state’s protections to include jobs in education and private security.

Thanks to reforms enacted in 2018 and 2019, Arizona now has one of the better laws in the country for ex-offenders seeking licenses to work, earning a B- for its final grade. The state rates highly on Relevance and Due Process, but a poor Exclusion score brings its final grade down.

Unfortunately, Arizona’s robust reform does not apply to jobs in education and private security. Those exclusions can trigger draconian consequences for people with criminal records. For instance, security guards can be denied a license on the basis of **any felony**, while a **marijuana possession misdemeanor** can disqualify applicants for education positions.

Statute: **Ariz. Rev. Stat. Ann. § 41-1093.04 (2019)**



Exclusion

Overarching ban on blanket bans	Yes, but excludes education and private security
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	7 years
Ban on vague, discretionary character standards	No

Exclusion Grade: D

Relevance

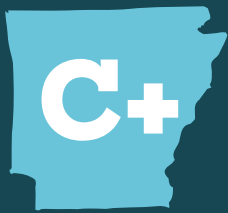
Relationship between the crime and the license sought	"Substantially related"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	Yes
Testimonials	Yes

Relevance Grade: A-

Due Process

Petition process	Yes
Burden of proof	Burden unspecified, state requires clear and convincing evidence
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: A-



Arkansas

Exclusion Grade: C+
Relevance Grade: C
Due Process Grade: B

Strengths

- Bans boards from using arrest and sealed records as well as vague, arbitrary standards like “moral turpitude” and “good character.”
- Offers a petition process so that ex-offenders can learn if their criminal records would prevent them from obtaining a license.

Areas for Improvement

- Allow boards to consider only crimes directly related to the license sought.
- Extend state’s protections to all licenses and all crimes.

A 2019 reform added some much-needed protections to Arkansas, raising its final grade to a C+. However, the state’s new safeguards do not apply to nurses, teachers, and several private security positions.

Unlike in many other states, in Arkansas, ex-offenders are presumed ineligible for a license and must secure a waiver before they can become licensed. The state also lists a dozen crimes that automatically trigger “permanent disqualification for licensure” in all occupations; that law does not apply to those who are already licensed.

Statute: Ark. Code Ann. § 17-1-103, §§ 17.3.101 to 104 (2019)

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, annulled and expunged records
Time limit	Yes, 5 years from the end of probation or incarceration (whichever is later) but does not apply to sexual or violent offenses
Ban on vague, discretionary character standards	Yes

Exclusion Grade: C+

Relevance

Relationship between the crime and the license sought	"Relevance of the offense to the occupational license"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	Yes
Testimonials	Yes

Relevance Grade: C

Due Process

Petition process	Yes
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: B



California

Exclusion Grade: A-
Relevance Grade: B
Due Process Grade: D

Strengths

- Blocks boards from relying on non-conviction records and “good moral character” when considering applicants.
- Imposes a time limit for considering old convictions.

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Extend state’s protections to all licenses.

California receives a B- for its final grade thanks to a 2018 reform that strengthened legal protections for ex-offenders. The reform applies to credentials issued by the California Department of Consumer Affairs, the state’s largest licensing authority.

Several occupations, most notably **certified nurse assistants** and **emergency medical technicians**, fall outside the state’s recent reforms. Boards can deny aspiring CNAs if they have been convicted of any drug crime and may consider far more criminal records than boards governed by California’s main law.

Meanwhile, becoming a licensed EMT is practically impossible for ex-offenders. Under state law, applicants are automatically disqualified if they have been convicted of two or more felonies in their lifetime or if they have been convicted of two or more misdemeanors involving drugs, theft, or violence.

Statute: **Cal. Bus. & Prof. Code §§ 475 to 495 (West 2012)**

Exclusion

Overarching ban on blanket bans	Yes, but excludes health care facilities, nurse assistants, and emergency medical technicians
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, dismissed and expunged records
Time limit	7 years, except for “serious offenses”
Ban on vague, discretionary character standards	Yes

Exclusion Grade: A-

Relevance

Relationship between the crime and the license sought	“The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made”
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: B

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



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Colorado

Exclusion Grade: C-
Relevance Grade: A-
Due Process Grade: F

Strengths

- Permits boards to only use directly related crimes and requires them to consider evidence of rehabilitation.
- Bans boards from considering arrests as well as sealed and expunged records.

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Extend state's protections to education and positions that work with "vulnerable persons."

With its C grade, Colorado ranks towards the middle of the pack. The state ranks highly in the Relevance category, but a lack of protections for Due Process and a weak Exclusion grade brings its final grade down.

Colorado excludes several fields and organizations from its main law for ex-offenders, including education, the public employees' retirement association, and the Department of Revenue. It also excludes any and all licenses for jobs working with "vulnerable persons," defined as those who are "susceptible to abuse or mistreatment because of the individual's circumstances, including but not limited to the individual's age, disability, frailty, mental illness, developmental disability, or ill health."

This means ex-offenders are barred not only from working as medical personnel or counselors, but also from working in "direct contact" with vulnerable persons in positions like "maintenance personnel, housekeeping staff, kitchen staff, and security personnel." Applicants may face permanent disqualification if they were convicted of any violent crime or one of several listed felonies, while those convicted of any unspecified crime or a listed misdemeanor have drastically fewer protections than under Colorado's main law.

Statute: [Colo. Rev. Stat. §§ 24-5-101, 27-90-111 \(2019\)](#)

Exclusion

Overarching ban on blanket bans	Yes, but excludes education, positions that have “direct contact with vulnerable persons”
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, sealed records
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	“Whether there is a direct relationship between the conviction and the position’s duties and responsibilities and the bearing, if any, the conviction may have on the applicant’s fitness or ability to perform”
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: A-

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F



Connecticut

Exclusion Grade: B-
Relevance Grade: C
Due Process Grade: F

Strengths

- Boards must consider evidence of rehabilitation.
- Boards are banned from using arrests and erased records.

Areas for Improvement

- Ban agencies from using vague standards like “good moral character.”
- Add safeguards for due process, like requiring a petition process and placing the burden of proof onto the state.

Connecticut earns a final grade of C- for its mediocre protections. In 2017, Connecticut enacted a modest reform that exempts applicants for barber or hairdresser licenses from having to submit to a background check.

Statute: [Conn. Gen. Stat. § 46a-80 \(2019\)](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, erased records
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: B-

Relevance

Relationship between the crime and the license sought	"The nature of the crime and its relationship to the job for which the person has applied"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: C

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	Yes

Due Process Grade: F



Delaware

Exclusion Grade: F
Relevance Grade: D+
Due Process Grade: D-

Strengths

- Repealed multiple good moral character requirements for its licenses, though it did not enact an overarching ban.

Areas for Improvement

- Require evidence of rehabilitation when considering applicants.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

Delaware receives a D- for its overall lackluster protections for ex-offenders seeking licenses. Unlike many other states, Delaware requires people with criminal records to obtain a waiver before they can obtain a license, but those with felony convictions generally must wait at least five years before they can apply for such a waiver. However, for a select number of licenses, including barbers, cosmetologists, electricians, massage therapists, and construction contractors, the waiting period is reduced to three years for felonies against a person, and two years for all other felonies. In addition, for those same select licenses, boards may not consider convictions older than 10 years.

Rather confusingly, Delaware defines its “substantially related” standard as “the nature of the criminal conduct, for which the person was convicted” that has “a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related.” (The state’s limited case law did not elaborate on the “direct bearing” aspect.) For the purposes of this report, Delaware is graded as having a “substantially related” standard.

Statute: [Del. Code Ann. tit.24, §§ 101 - 5515 \(2019\)](#)

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	Generally, no limit. 10 years for barbers, cosmetologists, electricians, HVAC contractors, master plumbers, and massage therapists
Ban on vague, discretionary character standards	No, but the state repealed moral character requirements for multiple licenses

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	"Substantially related"
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: D+

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	No

Due Process Grade: D-



District of Columbia

Exclusion Grade: F
Relevance Grade: A
Due Process Grade: D

Strengths

- Boards may only use directly related crimes.

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Ban agencies from using vague standards like “good moral character.”

Although Washington, D.C. receives one of the nation’s highest Relevance grades, weak Exclusion and Due Process scores drop the District’s final grade to a C-. However, all health occupational licenses are exempt. Although health licensing boards are still limited to considering crimes that “bear directly on the fitness of the individual to be licensed,” they need not consider any evidence of rehabilitation.

Statute: [D.C. Code § 47-2853.17, § 3-1205.03 \(2019\)](#)



Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	"Bear directly on the fitness"
Required factors for consideration	
Rehabilitation	Yes (only for non-health occupations)
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	No
Testimonials	No

Relevance Grade: A

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D

D+ Florida

Exclusion Grade: C-
Relevance Grade: C
Due Process Grade: D-

Strengths

- Generally, boards can only use directly related crimes to disqualify applicants.

Areas for Improvement

- Require evidence of rehabilitation when considering applicants.
- Ban agencies from using vague standards like “good moral character.”
- Extend petition process to all occupational licenses, not just a select few.

Overall, Florida receives a D+ for its middling protections. In 2019, the Sunshine State eased restrictions for those hoping to become licensed barbers, cosmetologists, and various construction contractors. The 2019 reform blocked boards from considering convictions older than five years and created a new petition process so that ex-offenders can learn if their criminal record is disqualifying before they begin any training. However, that reform merely requires that crimes be “related” to the license as opposed to being “directly related”—a drastically weaker standard.

Statute: [Fla. Stat. § 112.011 \(2013\)](#), [§ 455.213\(3\)\(a\) \(2019\)](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	"If the crime was a felony or first-degree misdemeanor that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare"
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: C

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	No

Due Process Grade: D-

D+

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Georgia

Exclusion Grade: C-
Relevance Grade: A
Due Process Grade: D

Strengths

- Boards may only use directly related crimes and must consider evidence of rehabilitation.

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Ban agencies from using old convictions and crimes of “moral turpitude” to disqualify applicants.

Thanks to a 2016 reform, Georgia earned one of the country’s highest Relevance grades. But poor showings in the Exclusion and Due Process categories lowered the state’s final grade to a C+.

Statute: [Ga. Code Ann. § 43-1-19](#)



Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	"Directly relates"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	No
Testimonials	No

Relevance Grade: A

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D

A small, light blue map of the Hawaiian Islands is positioned to the left of the letter 'D'.

D

Hawaii

Exclusion Grade: C-
Relevance Grade: D-
Due Process Grade: D

Strengths

- Blocks boards from considering expunged records.

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Require boards to consider evidence of rehabilitation and to use a directly related standard for all crimes, not just those older than 10 years.
- Extend protections to health care and welfare facilities and their employees.

With weak laws across the board, Hawaii earns a D as its final grade. The state does have stronger protections for applicants who have not been convicted of a crime in the past 10 years. In those cases, the state can only deny a license if the ex-offender “has not been sufficiently rehabilitated” and only if their crime “directly relates” to the license—a higher standard than the “rational relationship” used for more recent convictions.

Meanwhile, the state’s otherwise middling protections are completely absent for facilities licensed by the Department of Human Services or the Health Department. Under state law, employees at these facilities, which include assisted living centers, community care foster homes, and child care facilities, can be denied licenses based on **any conviction** other than a minor traffic ticket.

Statute: [Haw. Rev. Stat. § 831-3.1 \(2018\)](#)

Exclusion

Overarching ban on blanket bans	Yes, but excludes health care facilities
Ban on considering arrest records	No
Ban on considering post-conviction relief records	Yes, expunged records
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	"Bears a rational relationship to the duties and responsibilities of a job" if the crime were committed within past 10 years. "Directly relates" for older offenses
Required factors for consideration	
Rehabilitation	No (only for crimes older than 10 years)
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: D-

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



Idaho

Exclusion Grade: B-
Relevance Grade: C
Due Process Grade: C-

Strengths

- Bans boards from using vague standards like “good character” or “moral turpitude” to disqualify applicants.
- Created a predetermination petition process for ex-offenders.

Areas for Improvement

- Block boards from considering arrest records and old convictions.
- Require boards to use the more stringent “directly related” standard.

In 2020, Idaho enacted its first overarching law to protect ex-offenders who want a license to work, earning a C for its final grade.

Idaho Code: §§ 67-9410 to 67-9411

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	Yes

Exclusion Grade: B-

Relevance

Relationship between the crime and the license sought	"Currently relevant"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: C

Due Process

Petition process	Yes
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: C-



Illinois

Exclusion Grade: C-
Relevance Grade: A+
Due Process Grade: D

Strengths

- Boards may only use directly related crimes and must consider evidence of rehabilitation.
- Bans boards from using arrest and sealed records as well as vague, arbitrary standards like “moral turpitude” and “good character.”

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Extend state’s protections to health care workers.

Thanks to a series of reforms enacted in 2016 and 2017, Illinois now has one of the better legal environments for ex-offenders hoping to become licensed, earning a B- for its final grade. Those applying for a health care worker license who have been convicted of a forcible felony face far fewer protections. Applicants must wait at least five years since their conviction date or three years since they were released from prison.

Illinois is also one of only a handful of states with reporting requirements for license applications by ex-offenders; its data is by far the most thorough. Originally limited to collecting data on just 22 licenses, the state expanded its reporting requirements to nearly 200 different licenses, certifications, registrations, and other credentials.

In 2018, 1,169 people with criminal records applied for an occupational license or similar credential. Licenses were granted to 792 applicants in more than 80 different occupations—an acceptance rate of 67.7%. Another 46 credentials were issued on probation. Among ex-offenders who were granted licenses, more than half of the licenses were issued by health-related boards, while one-fifth of licenses were in private security. People with criminal records typically accounted for under 2% of all new licensees, though there were some notable exceptions. For barber’s licenses (the sixth-most sought-after license for this group), more than one-tenth of all newly granted licenses went to ex-offenders.

Encouragingly, the state recorded only five applicants who were “denied licensure in part or whole because of a criminal conviction,” a denial rate well under 1%. The remaining 328 applicants had yet to complete the licensing application process by the end of 2018 or their status was otherwise unspecified.

Statute: [20 Ill. Comp. Stat. 2105/2105-131 to 205 \(2020\)](#)

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, sealed and expunged records
Time limit	No limit
Ban on vague, discretionary character standards	Yes

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	"The lack of direct relation of the offense for which the applicant was previously convicted to the duties, functions, and responsibilities of the position for which a license is sought"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	No
Testimonials	Yes

Relevance Grade: A+

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



Indiana

Exclusion Grade: A+

Relevance Grade: A-

Due Process Grade: A+

Strengths

- Strong protections for due process.
- Bans agencies from using arrest and expunged records as well as vague standards like “moral turpitude” and “good character” to disqualify applicants.

Indiana has the best laws in the nation for ex-offenders seeking licenses, earning the report’s sole A grade. The Hoosier State receives the highest Exclusion grade and is one of just two states that earns a perfect score in the Due Process category.

Statute: [Ind. Code §§ 25-1-1.1-0.5 to 25-1-1.1-6](#), [Ind. Code § 35-38-9-10 \(2019\)](#), [Ind. Code §§ 36-1-26-4 to 36-1-26-5 \(2019\)](#)



Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, expunged records
Time limit	5 years, except for violent or sexual crimes
Ban on vague, discretionary character standards	Yes

Exclusion Grade: A+

Relevance

Relationship between the crime and the license sought	"Specifically and directly related"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: A-

Due Process

Petition process	Yes
Burden of proof	State bears burden of proof and requires clear and convincing evidence to deny
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: A+



Iowa

Exclusion Grade: F
Relevance Grade: F
Due Process Grade: D

Areas for Improvement

- Ban boards from using vague standards like “moral turpitude” to disqualify applicants.
- Require boards to consider evidence of rehabilitation and to use a directly related standard for all licenses.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

Iowa has scant protections for ex-offenders who want to become licensed and receives an F for its final grade. The standard used to evaluate applicants can vary dramatically based on the license sought. At the Department of Public Health, which governs more than half of the state’s licensing boards, including those for cosmetology and construction contractors, a board can consider a person’s criminal conviction if it “relates to the practice of the profession for which the applicant requests to be licensed.”

In addition, a modest 2019 reform allows Iowans who haven’t been convicted of a sex crime or forcible felony to apply for several construction licenses, including as electricians and HVAC contractors. For these occupations, a board must consider any evidence of rehabilitation, the time elapsed since the crime, the age of the offender, and any letters of reference.

Perhaps the best illustration of the lack of uniformity is at the Professional Licensing & Regulation Bureau. The boards for **architects**, like the health-related licenses, uses the “relates to” standard. But for **landscape architects**, which are also regulated by the Bureau, the board can only deny if the crime is “directly related,” which is a significantly higher standard. Meanwhile, an applicant for a license as either a **real estate broker or salesperson** cannot be considered until at least five years after they have completed their sentence for a felony, or at least one year for a crime of moral turpitude.

On the other hand, private security licenses, which are regulated by the Department of Public Safety, can be **denied** on the basis of any felony, aggravated misdemeanor, or crime of moral turpitude.

Statute: **Iowa Code § 147.3, §§ 17A.12, 17A.16, Iowa Admin. Code r. 645.11.32 (2020)**

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	Boards governed by the Department of Health may consider a conviction if it “relates to the practice of the profession for which the applicant requests to be licensed”
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D

A logo consisting of a blue square with a white border, containing the text "D+" in white.

Kansas

Exclusion Grade: C

Relevance Grade: C

Due Process Grade: F

Strengths

- Boards may only use directly related crimes.
- Bans boards from using vague, arbitrary standards like “moral turpitude” and “good character.”

Areas for Improvement

- Make the decisions obtained during state’s petition process binding and add protections for due process.
- Extend state’s protections to health and white-collar professions.
- Require boards to consider evidence of rehabilitation and other factors.

A 2018 reform sought to drastically improve Kansas’s protections for ex-offenders, which previously consisted of one single line of text. However, several loopholes undermine the new law, resulting in a D+ for the state’s final grade. For starters, the law expressly exempts multiple boards and licenses, including the state healing arts, nursing, and pharmacy boards as well as “any profession that has an educational requirement for licensure that requires a degree beyond a bachelor’s degree.”

In addition, while the state did create a petition process, the 2018 law explicitly states that any decision made on an applicant “shall not be binding.” Since the petition is supposed to allow an ex-offender to see if their record would be disqualifying before they commit to any costly training, the Kansas law completely undermines that purpose. Moreover, the state bans boards from considering records older than five years, but exempts felonies and class A misdemeanors, rendering that reform toothless.

Statute: [Kan. Stat. Ann. § 74-120 \(2018\)](#)

Exclusion

Overarching ban on blanket bans	Yes, but excludes medical and white-collar licenses
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	No
Time limit	No (5-year limit does not apply to felonies or class A misdemeanors)
Ban on vague, discretionary character standards	Yes

Exclusion Grade: C

Relevance

Relationship between the crime and the license sought	"Directly related to protecting the general welfare"
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: C

Due Process

Petition process	No (not binding)
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F



Kentucky

Exclusion Grade: B-
Relevance Grade: B-
Due Process Grade: D+

Strengths

- Boards may only use directly related crimes.
- Agencies can no longer deny licenses based on the “absence of good moral character.”

Areas for Improvement

- Ban agencies from using arrest records and old convictions to disqualify applicants.
- Require boards to consider evidence of rehabilitation.
- Eliminate rebuttable presumptions for considering initial applications and raise standard of evidence to clear and convincing.

Following a 2017 reform, Kentucky saw its final grade improve to a C+. Kentucky now blocks agencies from denying licenses based on an applicant’s “good moral character,” an arbitrary standard that granted boards far too much discretionary power.

Kentucky does require agencies to bear the burden of proof when determining if an applicant’s criminal record “directly relates to...the license sought.” However, if an applicant has been convicted of a Class A or B felony or a felony that triggered sex offender registration, there instead is a “rebuttable presumption” that those felonies are directly related, effectively shifting the burden of proof onto the applicant.

Statute: [Ky. Rev. Stat. Ann. §§ 335B.010 to .70 \(West 2017\)](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	Yes

Exclusion Grade: B-

Relevance

Relationship between the crime and the license sought	"Directly relates"
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: B-

Due Process

Petition process	No
Burden of proof	Boards carry burden of proof, except for class A or B felonies or felonies that trigger sex offender registration. For those offenses, the applicant must overcome a "rebuttable presumption" that a "connection exists between the prior conviction and the license being sought."
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D+



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Louisiana

Exclusion Grade: F

Relevance Grade: D+

Due Process Grade: D

Areas for Improvement

- Eliminate carveouts from main law.
- Ban agencies from using arrest records, old convictions, and vague standards like “moral turpitude” to disqualify applicants.
- Require boards to consider evidence of rehabilitation and other factors.

With few safeguards for ex-offenders, Louisiana earns a D- for its final grade. Although the state enacted reform in 2017, it exempted over two dozen different offices, boards, and commissions from its main law. As a result, licenses in many diverse fields, including dentistry, education, nursing, and massage therapy, remain unaffected by the state’s modest protections.

In addition, boards that are otherwise governed by Louisiana’s law “shall not be required to issue a license” to anyone convicted of a violent crime, further limiting the law’s impact. This allows boards to deny applicants even if their criminal record is completely unrelated to the license sought.

Statute: [La. Stat. Ann. § 37:36 \(2017\)](#), [La. Stat. Ann. § 37:2950 \(2018\)](#)

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	"A licensing entity shall not be required to issue a license to an applicant whose conviction directly relates to the position of employment sought, or to the specific field for which the license is required, or profession for which the license is sought," excluding violent crimes
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: D+

Due Process

Petition process	No
Burden of proof	No
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



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Maine

Exclusion Grade: B-
Relevance Grade: D+
Due Process Grade: D

Strengths

- Imposes a three-year time limit on considering criminal convictions for non-medical licenses.

Areas for Improvement

- Ban agencies from using arrest records as well as vague standards like “moral turpitude” and “good character” to disqualify applicants.
- Shift the burden of proof from the applicant onto the state.
- Extend directly related standard to all crimes, not just those involving one year or less of incarceration.

Maine receives a C- for its overall middling protections for ex-offenders. One bright spot is its time limit for old convictions, which is the best in the nation for non-medical licenses. Agencies may only consider an applicant’s criminal record if they have been released from prison within the past three years, otherwise they must be treated “in the same manner as applicants...possessing no prior criminal record.” For medical boards, the time limit rises to 10 years.

Although Maine does require boards to consider evidence of rehabilitation, applicants and license holders must bear the burden of proof and show that they have been sufficiently rehabilitated. In addition, boards can deny licenses if they merely “relat[e] to” a crime that can trigger imprisonment for more than one year. The state does, however, have better laws for applicants convicted of crimes that can impose up to one year of jail time, or none at all. In those cases, the state can only deny licenses for crimes that “directly relate” to the license—a higher standard than Maine’s main law.

Statute: [Me. Stat. tit. 5, § 5031-5304 \(2011\)](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	3 years for non-medical licenses, 10 years for medical licenses
Ban on vague, discretionary character standards	No

Exclusion Grade: B-

Relevance

Relationship between the crime and the license sought	"Relating to," except offenses that impose less than 1 year in prison must "directly relate"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

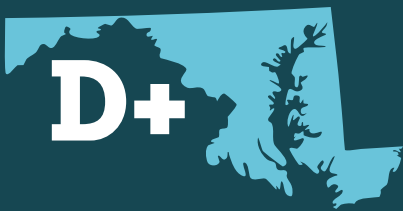
Relevance Grade: D+

Due Process

Petition process	No
Burden of proof	Standard unspecified, while "The applicant... shall bear the burden of proof that there exists sufficient rehabilitation to warrant the public trust"
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D





Maryland

Exclusion Grade: C
Relevance Grade: C
Due Process Grade: F

Strengths

- Bans agencies from considering convictions older than seven years.
- In many cases, boards must evaluate multiple factors, including any evidence of rehabilitation, for an ex-offender's license application.

Areas for Improvement

- Eliminate loopholes for drug crimes, violent crimes, and “unreasonable risk.”
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

Multiple loopholes in state law plunge Maryland's final grade down to a D+. The state at first appears to have a strong relevancy test, requiring a “direct relationship” between conviction and license. Unfortunately, this test is immediately swallowed by a loophole that lets boards deny licenses if they determine an applicant would pose an “unreasonable risk,” which is a much weaker standard.

The standard drops even further for drug convictions. In order to deny a license, a board need only show that there is a “relationship between the drug crime and the license.” Worse, two of the state's better protections—its seven-year time limit on old convictions and its requirement to consider multiple factors, including rehabilitation—are completely absent for Marylanders convicted of drug crimes.

Finally, any violent crime that triggers a mandatory minimum as punishment is completely exempt from the state's licensing protections for ex-offenders.

Notably, Maryland is one of the only states with license denial data for ex-offenders. Under a 2018 law, Maryland's licensing agencies were required to report how many applications they received and denied from ex-offenders between fiscal 2014 to 2018.

During that period, the Division of Occupational and

Professional Licensing, which oversees 21 boards, found “no record or indication...of anyone who was denied a license based solely on a criminal record.” However, out of the 613,034 license applications it received during that time, only 803 had a criminal record—barely 0.13%. By comparison, nearly 9,000 people were released from Maryland prisons in 2017 alone, while roughly 8% of the nation's population has been convicted of a felony. This wide discrepancy strongly suggests that many with criminal records feel deterred and never apply for licenses.

Other credentials also saw no denials of ex-offenders. Out of 1,642 applications for the state's residential child-care certification, 150 applications—more than 9%—were from people with a criminal record. No one was denied due to their criminal conviction. Likewise, the Board of Veterinary Medical Examiners counted four license applicants with a conviction or arrest record, none of whom was denied.

On the other hand, there were seven licensing boards at the Department of Health that received a total of 58 applications from ex-offenders. But the boards denied licenses in 12 cases—a denial rate of more than 20%.

Statute: [Md. Code Ann., Crim. Proc. § 1-209](#), [Md. Code Ann., State Gov't §§ 10-1402 to 1405](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	7 years, except for sexual or violent crimes
Ban on vague, discretionary character standards	No

Exclusion Grade: C

Relevance

Relationship between the crime and the license sought	<p>“Direct relationship” between the offense and the license, with an exception for issuing licenses to those who pose an “unreasonable risk to property or to the safety or welfare of specific individuals or the general public”</p> <p>For drug crimes, there must be a “relationship between the drug crime and the license”</p>
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	No
Testimonials	No

Relevance Grade: C

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F

F

Massachusetts

Exclusion Grade: F
Relevance Grade: F
Due Process Grade: D

Strengths

- Bans agencies from considering old and sealed criminal records.

Areas for Improvement

- Require boards to consider evidence of rehabilitation and to use a directly related standard for all crimes.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

Massachusetts has one of the worst laws in the nation for ex-offenders seeking licenses, earning an F for its final grade.

Statute: [Mass. Gen. Laws. ch. 127, § 152 \(2010\)](#), [ch. 6, §§ 171A, 172 \(2012 & 2018\)](#), [ch. 276, §§ 100A, 100C \(2010 & 2018\)](#)



Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	Yes, dismissed and sealed records
Time limit	10 years for felonies, 5 years for misdemeanors
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	None
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



Michigan

Exclusion Grade: B-
Relevance Grade: C
Due Process Grade: D

Strengths

- Bans boards from considering arrest and vacated records.

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Fully ban boards from disqualifying applicants on the “lack of good moral character.”

With a C for its final grade, Michigan’s laws are better than most states, though there is room for improvement. Although Michigan bans using a criminal conviction “in and of itself...as proof of an individual’s lack of good moral character,” it can be used as evidence to determine a person’s good moral character. If an applicant’s moral character is deemed lacking, they must bear the burden of proof and show that either that they have been rehabilitated or that their conviction is not “reasonably related” to the license sought.

Statute: [Mich. Comp. Laws §§ 338.41 to 338.47 \(1978\)](#)



Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, vacated records
Time limit	No
Ban on vague, discretionary character standards	No

Exclusion Grade: B-

Relevance

Relationship between the crime and the license sought	"Reasonably related"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: C

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



Minnesota

Exclusion Grade: B
Relevance Grade: A
Due Process Grade: D

Strengths

- Boards may only use directly related crimes and must consider evidence of rehabilitation.
- Bans boards from using arrest and expunged records as well as vague, arbitrary standards like “moral turpitude” and “good character.”

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Extend state’s protections to teaching licenses and school districts.

Minnesota has strong Exclusion and Relevance scores, but a low Due Process score brings the state’s final grade down to a B.

Statute: [Minn. Stat. §§364.01 to 364.09 \(2013\)](#)



Exclusion

Overarching ban on blanket bans	Yes, but excludes teaching licenses and school districts
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, annulled and expunged records
Time limit	No limit
Ban on vague, discretionary character standards	Yes

Exclusion Grade: B

Relevance

Relationship between the crime and the license sought	"Directly relate"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	No
Testimonials	Yes

Relevance Grade: A

Due Process

Petition process	No
Burden of proof	Standard unspecified. Applicants bear the burden of proof to "show competent evidence of sufficient rehabilitation"
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



Mississippi

Exclusion Grade: D

Relevance Grade: A-

Due Process Grade: A+

Strengths

- Strong protections for due process.
- Bans agencies from using vague standards like “moral turpitude” and “good character” to disqualify applicants.

Areas for Improvement

- Prevent agencies from considering old convictions and arrest records.
- Extend state’s protections to all licenses.

Following wide-ranging reforms in 2019, Mississippi now has some of the best laws in the country for ex-offenders seeking licenses, earning a B for its final grade. It is also just one of two states that earns a perfect score in the Due Process category. However, the new law does not affect statutes that automatically deny licenses based on someone’s criminal record. As a result, multiple licenses, mainly in the medical, financial, and security sectors, remain unaffected.

Statute: [Miss. Code Ann. §§ 73-77-1 to 73-77-11 \(2019\)](#)

Exclusion

Overarching ban on blanket bans	Yes, but excludes many medical, financial, and security licenses
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	Yes

Exclusion Grade: D

Relevance

Relationship between the crime and the license sought	"Specific and directly relate"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: A-

Due Process

Petition process	Yes
Burden of proof	State bears burden of proof and requires clear and convincing evidence to deny
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: A+



Missouri

Exclusion Grade: C-
Relevance Grade: D-
Due Process Grade: F

Areas for Improvement

- Fully ban boards from disqualifying applicants on the basis of “good moral character.”
- Require boards to consider evidence of rehabilitation and to use a directly related standard for all crimes.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

Missouri receives a D- for its subpar laws. Although a conviction can't be used “primarily” to disqualify applicants on the grounds that they lack “good moral character,” a criminal record can still serve as “some evidence of an absence of good moral character.”

Statute: [Mo. Rev. Stat. § 314.200 \(1981\)](#), [Mo. Rev. Stat. § 324.029 \(2008\)](#)



Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	"Relation to the license"
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: D-

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F

D

Montana

Exclusion Grade: C-
Relevance Grade: D+
Due Process Grade: F

Strengths

- Boards must consider evidence of rehabilitation.

Areas for Improvement

- Require boards to use a directly related standard for all crimes.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

With few protections for ex-offenders, Montana earned a D as its final grade.

Statute: [Mont. Code Ann. §§ 37-1-201 to 205 \(2009\)](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	"Relates to"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: D+

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	Yes

Due Process Grade: F

C-

Nebraska

Exclusion Grade: F

Relevance Grade: B

Due Process Grade: B

Strengths

- Enacted a petition process for applicants.
- Boards must evaluate multiple mitigating factors (including evidence of rehabilitation) when considering license applications.

Areas for improvement

- Prevent agencies from using vague standards like “good moral character.”
- Require boards to use a directly related standard for all crimes.

As part of a landmark occupational licensing reform in 2018, Nebraska created a petition process that would allow applicants to see if their criminal record would be disqualifying before they start fulfilling a license’s requirements, which can be very costly and time-consuming. This raised Nebraska’s final grade to a C-.

Nebraska lacks a uniform, overarching license standard, meaning applicants face wildly different standards based on the licenses they seek. Licenses issued by the [Department of Health and Human Services](#) (which includes not only health-related licenses, but also those for athletic trainers, cosmetologists, and massage therapists) can only be denied to an ex-offender if there is a “rational connection with the fitness or capacity of the applicant.” However, licensing boards that regulate fields as diverse as [education](#), [real estate](#), and [private investigation](#) can disqualify applicants based on any felony.

Statute: [Neb. Rev. Stat. § 84-947 \(2019\)](#)

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	The Department of Health and Human Services requires a “rational connection” between crime and license. Other agencies generally have no relatedness test
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	Yes
Testimonials	Yes

Relevance Grade: B

Due Process

Petition process	Yes
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: B



Nevada

Exclusion Grade: F

Relevance Grade: F

Due Process Grade: F

Nevada generally lacks protections for ex-offenders seeking licenses to work and received failing grades in all categories. The state is one of six to earn a zero score.

In 2019, lawmakers created a petition process for ex-offenders, who can ask boards to determine if their criminal record would be disqualifying before they commit to any costly training. However, the law explicitly states that licensing agencies are “not bound” by those determinations and may rescind them “at any time,” which completely undermines the purpose behind the petition process.

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	None
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No (not binding)
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F



New Hampshire

Exclusion Grade: B-
Relevance Grade: A+
Due Process Grade: A-

Strengths

- Boards may only consider directly related crimes and must evaluate multiple mitigating factors (including evidence of rehabilitation) for licensing applications.
- Strong protections for due process.

Areas for Improvement

- Ban boards from using vague standards like “moral turpitude” and “good character” to disqualify applicants.
- Prevent agencies from considering old convictions.

New Hampshire’s laws on ex-offender licensing are some of the best in the nation, second only to Indiana. Thanks to a 2018 reform, the Granite State secures this report’s only A-. New Hampshire also receives one of the highest grades in both the Relevance and Due Process categories.

Statute: [N.H. Rev. Stat. §§ 332-G:10, G:13 \(2014 & 2018\)](#), [N.H. Rev. Stat. § 651:5 \(2018\)](#)



Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, annulled records
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: B-

Relevance

Relationship between the crime and the license sought	"Substantial and direct relationship to the occupation"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	Yes
Testimonials	Yes

Relevance Grade: A+

Due Process

Petition process	Yes
Burden of proof	Burden unspecified State uses clear and convincing evidence
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: A-



New Jersey

Exclusion Grade: C-
Relevance Grade: B
Due Process Grade: F

Strengths

- Boards must evaluate multiple mitigating factors (including evidence of rehabilitation) when considering licensing applications.

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Prevent agencies from considering arrest records and old convictions.
- Ban boards from using vague standards like “moral turpitude” to disqualify applicants.

New Jersey earns an above-average Relevance grade, but weaker scores in the Exclusion and Due Process categories drop the state’s final grade down to a C-. Uniquely, New Jersey agencies may only disqualify applicants if they have been convicted of a crime that “relates adversely” to the license sought. For the purposes of this report, New Jersey’s standard is ranked in the middle between “substantially related” and “reasonably related.”

Statute: [N.J. Rev. Stat. § 2A:168A-1 \(West 1982\)](#), [N.J. Rev. Stat. § 45:1-21 \(West 2003\)](#)



Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	"Relates adversely"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	No
Testimonials	No

Relevance Grade: B

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	Yes

Due Process Grade: F



New Mexico

Exclusion Grade: C
Relevance Grade: B+
Due Process Grade: F

Strengths

- Boards may only use directly related crimes and must consider evidence of rehabilitation.
- Bans agencies from relying on arrest records.

Areas for Improvement

- Ban boards from using vague standards like “moral turpitude” to disqualify applicants.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

New Mexico earns an above-average Relevance grade, but a weak Due Process score lowers the state's final grade to a C. The state has two main paths to disqualify applicants. First, boards may deny licenses if they determine that a felony or misdemeanor involving moral turpitude “directly relates” to the job at hand.

Second, for felonies or moral turpitude misdemeanors that are not directly related, an applicant may still be denied if the board determines that they have “not been sufficiently rehabilitated to warrant the public trust.” However, if an ex-offender completes probation or parole or if at least three years have passed without reoffending since an applicant was released from prison, this creates a “presumption of sufficient rehabilitation.”

Statute: [N.M. Stat. Ann. §§ 28-2-1 to 28-2-6 \(1974\)](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C

Relevance

Relationship between the crime and the license sought	"Directly relates"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: B+

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	Yes

Due Process Grade: F



New York

Exclusion Grade: A-

Relevance Grade: B-

Due Process Grade: F

Strengths

- Boards must evaluate multiple mitigating factors (including evidence of rehabilitation) when considering licensing applications.
- Bans agencies from using vague standards like “good moral character” to disqualify applicants.

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Eliminate “unreasonable risk” loophole.

Overall, New York has above-average protections for ex-offenders, earning a C+ for its final grade. At first glance, New York appears to have a strong relevancy test, requiring a “direct relationship” between the conviction and the license. Unfortunately, this test is immediately swallowed by a loophole that lets boards deny licenses if they determine that granting a license to an applicant would pose an “unreasonable risk,” which is a much weaker standard.

Statute: [N.Y. Correct. Law §§ 750-755 \(Consol. 1977 & 2007\)](#), [N.Y. Exec. Law §§ 296\(15\), 296\(16\) \(Consol. 2015\)](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, sealed records
Time limit	No limit
Ban on vague, discretionary character standards	Yes

Exclusion Grade: A-

Relevance

Relationship between the crime and the license sought	"Direct relationship" or issuing the license "would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	No
Testimonials	No

Relevance Grade: B-

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	Yes

Due Process Grade: F

B

North Carolina

Exclusion Grade: B-
Relevance Grade: A-
Due Process Grade: B

Strengths

- Boards must evaluate multiple mitigating factors (including evidence of rehabilitation) for licensing applications.
- Bans agencies from using “moral turpitude” to disqualify applicants.

Areas for Improvement

- Ban agencies from relying on arrest records or old convictions.
- Extend directly related test to cover all crimes.

After enacting a major overhaul in 2019, North Carolina earns a B for its final grade. However, unlike nearly all other states, North Carolina exempts sexual and violent crimes from its directly related test, allowing boards to deny applicants even if their criminal record is completely unrelated to the license sought.

Statute: N.C. Gen. Stat. §§ 93B-8.1 (2019)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	Yes

Exclusion Grade: B-

Relevance

Relationship between the crime and the license sought	"Directly related," excluding sexual or violent crimes
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	No
Testimonials	Yes

Relevance Grade: A-

Due Process

Petition process	Yes
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: B



North Dakota

Exclusion Grade: C-
Relevance Grade: A-
Due Process Grade: D

Strengths

- Boards may only use directly related crimes and must consider evidence of rehabilitation.

Areas for Improvement

- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.
- Ban agencies from relying on arrest records or old convictions.

North Dakota ranks highly in the Relevance category, but weak Exclusion and Due Process scores drag its final grade to a C+. The state has two main paths to disqualify applicants. First, boards may deny licenses if they determine that an offense has a “direct bearing” on the occupational license. In addition, applicants may still be denied if the board determines that they have “not been sufficiently rehabilitated to warrant the public trust.” However, if at least five years have passed since an ex-offender completed their sentence or was released from prison and has not committed another crime, this creates “prima facie evidence of sufficient rehabilitation.”

Statute: [N.D. Cent. Code § 12.1-33-02.1 \(1997\)](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	"Direct bearing"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: A-

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



Ohio

Exclusion Grade: F
Relevance Grade: F
Due Process Grade: B

Strengths

- Created a petition process for applicants with criminal records.

Areas for Improvement

- Require boards to consider evidence of rehabilitation and to use a directly related standard for all crimes.
- Ban agencies from relying on arrest records or old convictions.

As part of a landmark occupational licensing reform in 2019, Ohio created a petition process that allows applicants to see if their criminal record would be disqualifying before they start fulfilling a license's requirements, which can be very costly and time-consuming. Unfortunately, the state still lacks many protections for ex-offenders and receives a D- for its final grade.

Statute: [Ohio Rev. Code Ann. § 9.78 \(West 2019\)](#), [Ohio Rev. Code Ann. §§ 2953.31 to 2953.33 \(West 2018\)](#)

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	Yes, sealed records
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	None
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Overarching ban on blanket bans	Yes
Ban on considering arrest records	Both unspecified
Ban on considering post-conviction relief records	Yes
Time limit	Yes

Due Process Grade: B



Oklahoma

Exclusion Grade: D-
Relevance Grade: B+
Due Process Grade: C

Strengths

- Repealed multiple good moral character requirements for its licenses, though it did not enact an overarching ban.
- Created a petition process for applicants with criminal records.

Areas for Improvement

- Impose a time limit for considering old convictions.
- Enact an overarching ban on blanket bans.

A 2019 reform strengthened Oklahoma's licensing laws for people with criminal records. However, a mediocre Due Process grade and a weak Exclusion score lower the state's final grade to a C.

Rather confusingly, Oklahoma defines its "substantially related" standard as "the nature of the criminal conduct, for which the person was convicted" that has "a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related." As the law was enacted in 2019, there has yet to be caselaw to elaborate on the "direct bearing" aspect. For the purposes of this report, Oklahoma will be graded as having a "substantially related" standard.

Statute: [Okla. Stat. tit. 59, § 4000.1 \(2019\)](#)

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	Yes, sealed records
Time limit	No limit
Ban on vague, discretionary character standards	No, but the state repealed moral character requirements for multiple licenses

Exclusion Grade: D-

Relevance

Relationship between the crime and the license sought	"Substantially relate"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	Yes

Relevance Grade: B+

Due Process

Petition process	Yes
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	Yes

Due Process Grade: C



Oregon

Exclusion Grade: D
Relevance Grade: D+
Due Process Grade: F

Areas for Improvement

- Require boards to consider evidence of rehabilitation and to use a directly related standard for all crimes.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

With few protections for ex-offenders, Oregon received a D- for its final grade. The state's laws do not apply to teachers.

Statute: [Or. Rev. Stat. § 670.280 \(2017\)](#)

Exclusion

Overarching ban on blanket bans	Yes, but excludes teachers
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: D

Relevance

Relationship between the crime and the license sought	"Substantially related"
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: D+

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F

F

Pennsylvania

Exclusion Grade: D-
Relevance Grade: F
Due Process Grade: F

Pennsylvania receives failing grades on almost every criterion, earning the commonwealth an F for its final grade. The sole bright spot is the state's robust ban on boards considering arrest records and records that have been annulled or expunged.

Under state law, any felony conviction, regardless of its relevance, can disqualify licensing applicants. Ex-offenders can also be disqualified if they have been convicted of a misdemeanor if it "relates to" the license sought.

Statute: [18 Pa. Cons. Stat. § 9124 \(1979\)](#)

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes, annulled and expunged records
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: D-

Relevance

Relationship between the crime and the license sought	None for felonies, misdemeanors must "relate to" the license
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	Yes

Due Process Grade: F



Rhode Island

Exclusion Grade: F
Relevance Grade: F
Due Process Grade: F

Rhode Island generally lacks protections for ex-offenders seeking licenses to work and received failing grades in all categories. The state is one of six to earn a zero score.



Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	None
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F



South Carolina

Exclusion Grade: C-
Relevance Grade: F
Due Process Grade: D

Areas for Improvement

- Ban boards from using vague standards like “moral turpitude” or “fitness” to disqualify applicants.
- Require evidence of rehabilitation when considering applicants.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

South Carolina receives a D for its middling protections for ex-offenders seeking licenses. The state at first appears to have a strong relevancy test, barring boards from denying licenses unless the criminal record “directly relates” to the license sought. Unfortunately, this test is immediately swallowed by a loophole that lets boards disqualify applicants if they are “unfit or unsuited to engage in the profession or occupation,” a far lower standard.

Statute: [S.C. Code Ann. §§ 40-1-110 to 140 \(1996\)](#)



Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: C-

Relevance

Relationship between the crime and the license sought	"Unfit or unsuited"
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



South Dakota

Exclusion Grade: F
Relevance Grade: F
Due Process Grade: F

South Dakota generally lacks protections for ex-offenders seeking licenses to work and received failing grades in all categories. The state is one of six to earn a zero score.

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	None
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F



Tennessee

Exclusion Grade: F
Relevance Grade: A-
Due Process Grade: B+

Strengths

- Boards may only use directly related crimes and must consider evidence of rehabilitation.
- Created a petition process for applicants.

Areas for Improvement

- Extend state's protections to all occupations.
- Eliminate rebuttable presumptions and raise standard of evidence to clear and convincing.
- Ban boards from denying licenses based on "moral turpitude."

Thanks to the 2018 Fresh Start Act, Tennessee ranks highly in the Relevance and Due Process categories, but an abysmal Exclusion score drops the state's final grade to a C+. Although the reforms greatly improved state law, it created a number of carveouts that undermine the new protections.

Licensing authorities are explicitly granted the power to disqualify based on misdemeanors of "moral turpitude," a vague standard that gives boards nearly unlimited discretion. For applicants convicted of Class A, Class B, or certain Class C felonies, as well as any felony that triggers registration as an animal abuser or sexual offender, there is a "rebuttable presumption" that the crime is related to the license sought, effectively shifting the burden of proof onto the applicant.

Moreover, the state's Fresh Start Act does not apply to many sectors, including education, finance, insurance, mental health, and social services. Those exclusions trigger draconian consequences. For instance, applicants who have been convicted of any drug felony are still **disqualified** from working at schools, day care centers, or other credentialed positions that come into "direct contact" with children.

Statute: [Tenn. Code Ann. § 62-76-104, § 63-1-130 \(2018\)](#)

Exclusion

Overarching ban on blanket bans	Yes, but excludes education, mental health, and white-collar professions
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	"Directly relate"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: A-

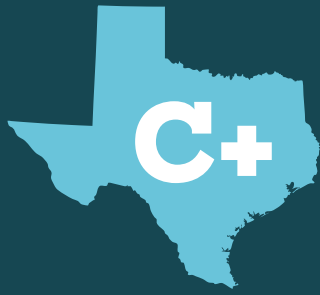
Due Process

Petition process	Yes
Burden of proof	Preponderance of the evidence Boards carry burden for proof, except for class A, B, or C felonies, or felonies that trigger sex offender or animal abuser registration. For those offenses, the applicant must overcome a "rebuttable presumption" that the conviction is relevant.
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: B+

C+

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Texas

Exclusion Grade: F
Relevance Grade: A
Due Process Grade: B

Strengths

- Created a predetermination petition process for applicants with criminal records.

Areas for Improvement

- Extend state's protections to all licenses and all crimes.
- Ban boards from using "moral turpitude" to disqualify applicants.

Following recent reforms enacted in 2019, Texas earned a C+ for its final grade, though state law is still marred by multiple loopholes.

Boards are not required to issue licenses to an ex-offender who applies for a license in public health, education, safety, or finance, even if they are an "otherwise qualified applicant." Unlike nearly all other states, Texas's directly related test and multifactor consideration do not apply to certain sexual and violent felonies. This allows boards to deny applicants even if their criminal record is completely unrelated to the license sought and if they have evidence demonstrating their rehabilitation.

Statute: [Tex. Occ. Code Ann. §§ 53.001 – 53.153 \(West 2019\)](#)



Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

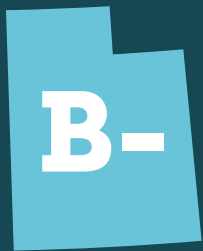
Relationship between the crime and the license sought	"Directly relates," excluding sexual or violent crimes
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	Yes
Testimonials	Yes

Relevance Grade: A

Due Process

Petition process	Yes
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: B



Utah

Exclusion Grade: D+
Relevance Grade: A
Due Process Grade: B

Strengths

- Created a predetermination petition process for ex-offenders.
- Bans boards from considering arrest records and old convictions.

Areas for Improvement

- Block boards from disqualifying applicants based on crimes of moral turpitude and records that have undergone post-conviction relief.
- Extend protections to all licenses.

Thanks to a series of reforms enacted in 2019 and 2020, Utah now has some of the better protections for ex-offenders seeking licenses, earning a B- for its final grade. However, loopholes remain. First, although the state repealed moral character requirements for many licenses, it still explicitly allows boards to block licenses based on crimes of moral turpitude, even if that crime is completely unrelated to the license sought. Second, the recent reforms only apply to licenses governed by the Division of Occupational and Professional Licensing. Although the division is the largest licensing agency in the state, licenses issued by different departments, including those regulating the financial and private security sectors, remain unaffected.

Statute: [Utah Code Ann. §§ 58-1-310, 58-1-501\(2\)\(c\) \(2019\)](#), [Utah Admin. Code r. 156-1-302 \(2018\)](#)

Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	Yes
Time limit	7 years, excluding violent, sexual, or fraud felonies
Ban on vague, discretionary character standards	No, but the state repealed good moral character requirements for multiple licenses

Exclusion Grade: D+

Relevance

Relationship between the crime and the license sought	"Substantial relationship" or any moral turpitude conviction
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	Yes
Testimonials	Yes

Relevance Grade: A

Due Process

Petition process	Yes
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: B



Vermont

Exclusion Grade: F
Relevance Grade: F
Due Process Grade: F

Vermont generally lacks protections for ex-offenders seeking licenses to work and received failing grades in all categories and is one of six to earn a zero score.

The state expressly allows boards to deny licenses based on a felony conviction “whether or not related to the practice of the profession.” For misdemeanors and other crimes, the offense need only be “related” to the license sought.

Statute: [Vt. Stat. Ann. tit. 3, § 129a\(a\)\(10\) \(1997\)](#)



Exclusion

Overarching ban on blanket bans	No
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: F

Relevance

Relationship between the crime and the license sought	Unrelated for felonies, “related” for all other crimes
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: F

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	No

Due Process Grade: F

C-

Virginia

Exclusion Grade: D
Relevance Grade: C+
Due Process Grade: D

Strengths

- Boards must consider evidence of rehabilitation.

Areas for Improvement

- Ban boards from using “moral turpitude” or “fitness” to disqualify applicants.
- Extend state’s protections to the Department of Health.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

With below-average protections, Virginia earned a C- for its final grade. The state at first appears to have a strong relevancy test, barring boards governed by the Department of Professional and Occupational Regulation from denying licenses unless the criminal record “directly relates” to the license sought. Unfortunately, this test is immediately undermined by a loophole that lets boards disqualify applicants if they are “unfit or unsuited to engage in such occupation or profession,” which is a far lower standard.

Moreover, boards governed by the Department of Health are completely exempt, allowing those boards to disqualify applicants on the basis of any felony or crime of moral turpitude, regardless of its relevance.

Statute: [Va. Code Ann. § 54.1-204 \(1979\)](#)

Exclusion

Overarching ban on blanket bans	Yes, but excludes Health Department licenses
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: D

Relevance

Relationship between the crime and the license sought	"Unfit or unsuited"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	Yes
Testimonials	No

Relevance Grade: C+

Due Process

Petition process	No
Burden of proof	Standard unspecified, burden on the applicant
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



Washington

Exclusion Grade: C+
Relevance Grade: C
Due Process Grade: D

Strengths

- Boards may only use “directly related” felonies when considering applications.
- Imposes a 10-year time limit for considering old convictions.

Areas for Improvement

- Extend state’s protections to licenses for health professionals.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof onto the state.
- Require multiple factors when considering an applicant’s criminal record, including evidence of rehabilitation.

Overall, Washington’s legal protections for ex-offenders seeking licenses are slightly better than average, earning the state a C for its final grade. Generally, boards may only consider felonies directly related to the license sought; curiously, misdemeanors go unmentioned.

However, the state’s safeguards do not apply to health occupational licenses, which can be denied to applicants on the basis of any crime involving drugs, violence, financial exploitation, or moral turpitude. In addition, a health licensing board may deny a license if an ex-offender has been convicted of a gross misdemeanor or felony “relating to the practice of the person’s profession.” Although that is a far lower standard than the state’s main law, applicants for health licenses are still entitled to the same due process protections granted to other licenses.

Statute: [Wash. Rev. Code § 9.96A \(2016\)](#)



Exclusion

Overarching ban on blanket bans	Yes, but excludes health licenses
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	10 years, except for crimes against children
Ban on vague, discretionary character standards	Yes

Exclusion Grade: C+

Relevance

Relationship between the crime and the license sought	"Directly relates" for felonies, no mention of misdemeanors
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: C

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	Yes

Due Process Grade: D



West Virginia

Exclusion Grade: C+
Relevance Grade: B-
Due Process Grade: B-

Strengths

- Bans many boards from using vague standards like “moral turpitude” and “good moral character” to disqualify applicants.
- Imposes a five-year time limit for considering old convictions.

Areas for Improvement

- Extend state’s protections to medical and security licenses.
- Raise relatedness test from “rational nexus” to “directly related,” a much more stringent standard.

In 2019, West Virginia enacted its first overarching law to protect ex-offenders in the licensing process, earning a C+ for its final grade. However, the new law expressly does not apply to occupations regulated by the state medical board, physician assistants, osteopathic physicians and surgeons, private investigators, or security guards. Thanks to those loopholes, any felony, along with crimes of moral turpitude, can disqualify applicants for **medical** and **security** licenses.

Statute: [W. Va. Code § 30-1-24 \(2019\)](#)



Exclusion

Overarching ban on blanket bans	Yes, but excludes medical and security licenses
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	5 years, except for sexual or violent crimes
Ban on vague, discretionary character standards	Yes

Exclusion Grade: C+

Relevance

Relationship between the crime and the license sought	"Rational nexus"
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: B-

Due Process

Petition process	Yes
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	No

Due Process Grade: B-



Wisconsin

Exclusion Grade: D
Relevance Grade: B
Due Process Grade: C

Strengths

- Boards must evaluate multiple mitigating factors (including evidence of rehabilitation) when considering licensing applications.
- Enacted a predetermination petition process for applicants.

Areas for Improvement

- Ban agencies from using vague standards like “good moral character.”
- Extend state’s protections to all licenses and all crimes.

Thanks to a 2018 reform, Wisconsin improved its legal protections for people with criminal records, earning a C for its final grade. But several loopholes still remain.

Unlike nearly all other states, Wisconsin’s substantially related test does not apply to violent crimes. This allows boards to deny applicants even if their criminal record is completely unrelated to the license sought and if they have evidence demonstrating their rehabilitation. In addition, licenses for education and private security are exempt from Wisconsin’s main law. As a result, anyone convicted of a felony is **automatically** barred from becoming a licensed private detective and security guard.

Statute: **Wis. Stat. 111.335 (2020)**



Exclusion

Overarching ban on blanket bans	Yes, but excludes education and security licenses
Ban on considering arrest records	Yes
Ban on considering post-conviction relief records	No
Time limit	No limit
Ban on vague, discretionary character standards	No

Exclusion Grade: D

Relevance

Relationship between the crime and the license sought	"Substantially related," but excludes violent crimes
Required factors for consideration	
Rehabilitation	Yes
Time elapsed since crime was committed	Yes
Age when crime was committed	Yes
Employment history	No
Testimonials	Yes

Relevance Grade: B

Due Process

Petition process	Yes
Burden of proof	Both unspecified
Right to appeal	No
Written notice requirement	Yes

Due Process Grade: C

A blue square containing a white 'C-' symbol.

Wyoming

Exclusion Grade: C+
Relevance Grade: C
Due Process Grade: D-

Strengths

- Boards may generally only consider offenses “directly related” to an occupation.
- Repealed “good moral character” requirements for multiple licenses, though it did not enact an overarching ban.

Areas for Improvement

- Require multiple factors when considering an applicant’s criminal record, including evidence of rehabilitation.
- Tighten time limit for considering old convictions to three years.
- Strengthen safeguards for due process by requiring a petition process and placing the burden of proof on the state.

Under a 2016 reform, Wyoming enacted its first overarching protections for ex-offenders seeking licenses, raising the state’s grade to a C-. The state also imposed a time limit for considering old criminal convictions, but the protection it provides is negligible. Boards are barred from considering convictions older than 20 years, provided that the applicant completed their sentence (including prison, parole, or probation) at least 10 years earlier. Moreover, the crime itself must not be related to the license sought.

Statute: [Wyo. Stat. Ann. § 33-1-304 \(2018\)](#)

Exclusion

Overarching ban on blanket bans	Yes
Ban on considering arrest records	No
Ban on considering post-conviction relief records	No
Time limit	Yes, 20 years
Ban on vague, discretionary character standards	No, but the state repealed moral character requirements for multiple licenses.

Exclusion Grade: C+

Relevance

Relationship between the crime and the license sought	"Directly related"
Required factors for consideration	
Rehabilitation	No
Time elapsed since crime was committed	No
Age when crime was committed	No
Employment history	No
Testimonials	No

Relevance Grade: C

Due Process

Petition process	No
Burden of proof	Both unspecified
Right to appeal	Yes
Written notice requirement	No

Due Process Grade: D-

ABOUT THE AUTHOR



As a Writer & Legislative Analyst for the Institute for Justice, Nick Sibilla regularly writes opeds and works with state and federal lawmakers from both parties. As part of IJ's legislative affairs team, Nick has helped secure landmark reforms that overhauled civil forfeiture and occupational licensing in California, Colorado, the District of Columbia, Nebraska and New Hampshire. He is also a senior contributor to Forbes.com, where he covers criminal justice and entrepreneurship.

Outside of Forbes, his writings have appeared in many high-profile outlets, including The Atlantic, The New York Times, The Wall Street Journal, The Washington Post, the New York Post, Barron's, The Guardian, Slate, Wired, Reason, FoxNews.com, NBCNews.com, National Review Online, The Orange County Register and numerous newspapers nationwide. His work has also been cited by multiple law review journals, the Center for American Progress, the Heritage Foundation, The Economist, SCOTUSblog and the Council of the District of Columbia Committee on the Judiciary and Public Safety.

About IJ

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