

## CHAPTER 99

### PROFESSIONAL LICENSURE — ELIGIBILITY — CRIMINAL CONVICTIONS

S.F. 567

**AN ACT** relating to disqualifications from holding certain professional licenses for persons convicted of certain crimes.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 103.6, subsection 1](#), Code 2019, is amended by adding the following new paragraph:

NEW PARAGRAPH. *e.* Grant an exception for a person who would otherwise be denied a license due to a criminal conviction under specified circumstances. When considering such an exception, the board shall consider the following: the nature and seriousness of any offense of which the person was convicted, all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense, the age of the person at the time the offense was committed, the length of time that has elapsed since the offense was committed, letters of reference, and all other relevant evidence of rehabilitation and present fitness presented. A person holding a license prior to July 1, 2019, shall not be required to obtain an exception to maintain a license.

Sec. 2. [Section 103.9](#), Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Conviction of a felony in Iowa that is sexual abuse in violation of [709.4](#), a sexually violent offense as defined in [section 229A.2](#), the offense of dependent adult abuse in violation of [section 235B.20](#), a forcible felony as defined in [section 702.11](#), or the offense of domestic abuse assault in violation of [section 708.2A](#), shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 3. [Section 103.10](#), Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Conviction of a felony in Iowa that is sexual abuse in violation of [section 709.4](#), a sexually violent offense as defined in [section 229A.2](#), the offense of dependent adult abuse in violation of [section 235B.20](#), a forcible felony as defined in [section 702.11](#), or the offense of domestic abuse assault in violation of [section 708.2A](#), shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 4. [Section 103.12](#), Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 6. Conviction of a felony in Iowa that is sexual abuse in violation of [section 709.4](#), a sexually violent offense as defined in [section 229A.2](#), the offense of dependent adult abuse in violation of [section 235B.20](#), a forcible felony as defined in [section 702.11](#), or the offense of domestic abuse assault in violation of [section 708.2A](#), shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law,

the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 5. [Section 103.12A](#), Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. Conviction of a felony in Iowa that is sexual abuse in violation of [section 709.4](#), a sexually violent offense as defined in [section 229A.2](#), the offense of dependent adult abuse in violation of [section 235B.20](#), a forcible felony as defined in [702.11](#), or the offense of domestic abuse assault in violation of [section 708.2A](#), shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 6. [Section 103.13](#), Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 4. Conviction of a felony in Iowa that is sexual abuse in violation of [section 709.4](#), a sexually violent offense as defined in [section 229A.2](#), the offense of dependent adult abuse in violation of [section 235B.20](#), a forcible felony as defined in [section 702.11](#), or the offense of domestic abuse assault in violation of [section 708.2A](#), shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 7. [Section 103.15](#), Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 7. Conviction of a felony in Iowa that is sexual abuse in violation of [section 709.4](#), a sexually violent offense as defined in [section 229A.2](#), the offense of dependent adult abuse in violation of [section 235B.20](#), a forcible felony as defined in [section 702.11](#), or the offense of domestic abuse assault in violation of [section 708.2A](#), shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly.

Sec. 8. [Section 103.35, subsection 5](#), Code 2019, is amended by striking the subsection.

Sec. 9. [Section 105.10](#), Code 2019, is amended by adding the following new subsection:

**NEW SUBSECTION.** 5. The board may grant an exception for a person who would otherwise be denied a license due to a criminal conviction under specified circumstances. When considering such an exception, the board shall consider the following: the nature and seriousness of any offense of which the person was convicted, all circumstances relative to the offense, including mitigating circumstances or social conditions surrounding the commission of the offense, the age of the person at the time the offense was committed, the length of time that has elapsed since the offense was committed, letters of reference, and all other relevant evidence of rehabilitation and present fitness presented. A person holding a license prior to July 1, 2019, shall not be required to obtain an exception to maintain a license.

Sec. 10. [Section 105.18, subsection 1](#), Code 2019, is amended to read as follows:

1. *General qualifications.* The board shall adopt, by rule, general qualifications for licensure. ~~The board may consider the past felony record of an applicant only if the felony conviction relates to the practice of the profession for which the applicant requests to be licensed.~~ References may be required as part of the licensing process.

Sec. 11. [Section 105.22, subsection 4](#), Code 2019, is amended by striking the subsection and inserting in lieu thereof the following:

4. Conviction of a felony in Iowa that is sexual abuse in violation of [section 709.4](#), a sexually violent offense as defined in [section 229A.2](#), the offense of dependent adult abuse in violation of [section 235B.20](#), a forcible felony as defined in [section 702.11](#), or the offense of domestic abuse assault in violation of [section 708.2A](#), shall be grounds for denial, revocation, or suspension of a license. Conviction for any other felony shall not be grounds for denial, revocation, or suspension. A conviction of a crime in violation of federal law or in violation of the law of another state shall be given the same effect as it would if such conviction had been under Iowa law. If federal law or the laws of another state do not provide for offenses or violations denominated or described in precisely the same words as Iowa law, the department shall determine whether those offenses or violations are substantially similar in nature to Iowa law and apply those offenses or violations accordingly. A copy of the record of conviction or plea of guilty shall be conclusive evidence of such conviction.

Sec. 12. [Section 158.3](#), Code 2019, is amended by adding the following new subsection:

NEW SUBSECTION. 3. Notwithstanding the provisions of [subsection 1](#), any person who completes the application form prescribed by the board and who completes a barbering apprenticeship training program registered by the office of apprenticeship of the United States department of labor while committed to the custody of the director of the Iowa department of corrections shall be allowed to take the examination for a license to practice barbering.

Sec. 13. NEW SECTION. **904.707 Apprenticeship programs — limitations.**

An inmate shall not be enrolled in an apprenticeship program if the inmate would be unable to obtain a necessary license to practice the profession to which the apprenticeship relates due to the inmate's conviction of a felony. Prior to enrolling an inmate in an apprenticeship program, the department of corrections shall receive written confirmation from the appropriate licensing board that the inmate would be able to receive a necessary license to practice the profession to which the apprenticeship relates if it appears to the department that the inmate may be disqualified from receiving such a license.

Approved May 9, 2019