

ASSEMBLY BILL

No. 861

Introduced by Assembly Member Bass

February 18, 2005

An act to amend Section 480 of the Business and Professions Code, relating to professions and vocations.

LEGISLATIVE COUNSEL'S DIGEST

AB 861, as introduced, Bass. Professions and vocations: licensure.

Existing law provides for the licensure and regulation of various professions and vocations by boards within the Department of Consumer Affairs. Existing law authorizes a board to deny licensure on certain grounds, including on the grounds that the applicant has been convicted of a crime.

This bill would exempt certain licenses from the provisions authorizing the denial of licensure for conviction of a crime with respect to a conviction for a nonviolent drug possession offense or a conviction for a misdemeanor or a felony that is not a serious or violent felony, if certain other conditions are met.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 480 of the Business and Professions
- 2 Code is amended to read:
- 3 480. (a) A board may deny a license regulated by this code
- 4 on the grounds that the applicant has one of the following:
- 5 (1) Been convicted of a crime. A conviction within the
- 6 meaning of this section means a plea or verdict of guilty or a

1 conviction following a plea of nolo contendere. Any action
2 which a board is permitted to take following the establishment of
3 a conviction may be taken when the time for appeal has elapsed,
4 or the judgment of conviction has been affirmed on appeal, or
5 when an order granting probation is made suspending the
6 imposition of sentence, irrespective of a subsequent order under
7 the provisions of Section 1203.4 of the Penal Code.

8 (2) Done any act involving dishonesty, fraud or deceit with the
9 intent to substantially benefit himself or another, or substantially
10 injure another; or

11 (3) Done any act which, if done by a licentiate of the business
12 or profession in question, would be grounds for suspension or
13 revocation of license.

14 The board may deny a license pursuant to this subdivision only
15 if the crime or act is substantially related to the qualifications,
16 functions or duties of the business or profession for which
17 application is made.

18 *(b) Except for the Dental Board of California, the Medical*
19 *Board of California, the State Board of Optometry, the*
20 *California State Board of Pharmacy, the Veterinary Medical*
21 *Board, the Board of Registered Nursing, the Bureau of Security*
22 *and Investigative Services, the Board of Vocational Nursing and*
23 *Psychiatric Technicians of the State of California, the*
24 *Respiratory Care Board of California, the Acupuncture Board,*
25 *the California Board of Podiatric Medicine, the Committee on*
26 *Dental Auxiliaries, the Physician Assistant Committee, and the*
27 *Osteopathic Medical Board of California, a board may not deny*
28 *a license pursuant to subdivision (a) on the basis of any of the*
29 *following:*

30 *(1) A conviction for a nonviolent drug possession offense, as*
31 *defined in subdivision (a) of Section 1210 of the Penal Code, or a*
32 *misdemeanor, when the person convicted is free of any sentence,*
33 *suspended sentence, probation or parole, and does not have any*
34 *felony or misdemeanor charges pending.*

35 *(2) A conviction for a felony, other than a felony under*
36 *subdivision (a) of Section 1210 of the Penal Code, that is not a*
37 *serious felony as defined in Section 1192.7 of the Penal Code or*
38 *a violent felony as defined in Section 667.5 of the Penal Code,*
39 *when the person convicted has been free of any sentence,*
40 *suspended sentence, probation, or parole for a period of at least*

1 *two years and does not have any felony or misdemeanor charges*
2 *pending.*

3 ~~(b)~~

4 (c) Notwithstanding any other provision of this code, no
5 person shall be denied a license solely on the basis that he has
6 been convicted of a felony if he has obtained a certificate of
7 rehabilitation under Section 4852.01 and following of the Penal
8 Code or that he has been convicted of a misdemeanor if he has
9 met all applicable requirements of the criteria of rehabilitation
10 developed by the board to evaluate the rehabilitation of a person
11 when considering the denial of a license under subdivision (a) of
12 Section 482.

13 ~~(e)~~

14 (d) A board may deny a license regulated by this code on the
15 ground that the applicant knowingly made a false statement of
16 fact required to be revealed in the application for such license.