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ASSEMBLY JUDICIARY

DATE: 3/24/03 ROOM: 3138 EXHIBIT H

SUBMITTED BY: C GIOVANNI

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LEGISLATIVE COUNSEL BUREAU

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MEMORANDUM

DATE: July 12, 2001
TO: Assemblywoman Chris Giunchigliani
FROM: Nicolas C. Anthony, Senior Research Analyst *NA*
Research Division
SUBJECT: **Hiring Ex-Felons**

This memorandum responds to your request for information on the hiring of ex-felons. Specifically, you inquired as to which employers ban the hiring of ex-felons, and whether there is a tax break for hiring ex-felons.

Employers Banning Hiring of Ex-Felons

After searching the Internet, it does not appear that there is a comprehensive list of employers who ban hiring ex-felons. As you may be aware, certain occupations that deal with public safety may avoid hiring ex-felons. For example, law enforcement agencies, child care providers, and school districts may conduct background checks (and fingerprinting) prior to employment. Further, most general employment applications ask whether a person has been convicted of a prior felony. Thus, employers may simply choose not to hire a person because of their previous record.

Tax Breaks for Hiring Ex-Felons

In reviewing the Internal Revenue Code (Title 26, *United States Code Annotated*), it appears that Section 51 provides a "work opportunity" federal income tax credit for those who hire ex-felons. The credit is limited to 40 percent of the first \$6,000 of qualified first-year wages, and is applicable to persons hired before December 31, 2001. A copy of 26 U.S.C.A. Section 51 is enclosed for your review.

Concluding Remarks

I trust that this information is helpful. Please contact me if you should have any further questions.

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MEMORANDUM

DATE: November 12, 2002
TO: Assemblywoman Chris Giunchigliani
FROM: Diane C. Thornton, Senior Research Analyst
Research Division *DCT*
SUBJECT: **Licensing of Convicted Persons**

This memorandum responds to your request for information on the licensing of convicted persons. Specifically, you inquired as to which Nevada laws prevent convicted persons from obtaining an occupational or professional license.

Enclosed is a table that lists various occupations and professions where a license may be denied because of a conviction. Many statutes regarding occupational and professional licensing, including those administered by the Secretary of State and the Labor Commissioner, specify that an applicant cannot have been convicted of a felony or any offense involving moral turpitude. Other boards may refuse to issue a license based on the "moral character" of the applicant.

In addition, it is important to note that most general employment applications ask whether a person has been convicted of a felony. Thus, an employer may simply choose not to hire a person because of his prior record.

I trust that this information is useful. Please contact me if you should have any further questions.

DCT/gj:W24708
Enc.

PROFESSIONAL AND OCCUPATIONAL LICENSING

DISQUALIFICATION RESULTING FROM CONVICTIONS

Profession or Occupation	Nevada Revised Statutes	Relevant Portion(s) of Applicable Statutes
Athletes' Agent	NRS 398.460 Issuance of certificate of registration; grounds for denial by secretary of state.	2. The Secretary of State may refuse to issue a certificate of registration if he determines that the applicant has engaged in conduct that has a significant adverse effect on his fitness to act as an athlete's agent. In making this determination, the Secretary of State may consider whether the applicant has: (a) Been convicted of a crime that, if committed in this state, would be a crime involving moral turpitude or a felony.
Audiologist and Speech Pathologist	NRS 637B.160 Qualifications of applicants.	1. An applicant for a license to engage in the practice of audiology or speech pathology must be issued a license by the board if he: (c) Is of good moral character;
Collection Agency and Collection Agent	NRS 649.085 Qualifications of applicant for license.	Every individual applicant, every officer and director of a corporate applicant, and every member of a firm or partnership applicant for a license as a collection agency or collection agent must submit proof satisfactory to the commissioner that he: 4. Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.
Court Reporter	NRS 656.240 Grounds for denial, suspension or revocation of certificate: False representation; contempt of court; conviction of certain crimes.	The board may refuse to issue or to renew or may suspend or revoke any certificate for any one or a combination of the following causes: 4. If the applicant or court reporter has been convicted of a felony or gross misdemeanor or of any offense involving moral turpitude. The judgment of conviction or a certified copy of the judgment is conclusive evidence of conviction of an offense.
Dispensing Optician	NRS 637.150 Grounds; authorized actions.	Upon proof to the satisfaction of the board that an applicant or holder of a license: 3. Has been convicted of a crime involving moral turpitude.
Employment Agent	NRS 611.045 Investigation of applicant; issuance and renewal of license.	1. The Labor Commissioner may issue a license to an applicant for the conduct of an employment agency: (a) After making an investigation of the applicant and finding that he is of good moral character and has not been convicted of a felony or any offense involving moral turpitude
Gaming Employee	NRS 463.335 Work permit required for gaming employee or independent agent; application; fee; investigation; notice of change of employment; hearing and review; appointment of hearing examiner; confidential	11. The board may object to the issuance of a work permit or may refuse to issue a work permit for any cause deemed reasonable by the board. The board may object or refuse if the applicant has: (c) Committed, attempted or conspired to commit any crime of moral turpitude, embezzlement or larceny or any violation of any law pertaining to gaming, or any crime which is inimical to the declared policy of this state concerning gaming;

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**PROFESSIONAL AND OCCUPATIONAL LICENSING
DISQUALIFICATION RESULTING FROM CONVICTIONS**

Profession or Occupation	Nevada Revised Statutes	Relevant Portion(s) of Applicable Statutes
	records; expiration; regulations.	(d) Committed, attempted or conspired to commit a crime which is a felony or gross misdemeanor in this state or an offense in another state or jurisdiction which would be a felony or gross misdemeanor if committed in this state;
Hearing Aid Specialist	NRS 637A.150 Actions by board on applications.	2. An application may be disapproved if the applicant has: (a) Been convicted of fraud or misrepresentation. (e) Engaged in any other conduct deemed to be unprofessional by the board.
Homeopathic Medical Examiner	NRS 630A.340 Grounds for initiating disciplinary action or denying licensure.	The following acts, among others, constitute grounds for initiating disciplinary action or denying the issuance of a license: (b) A felony.
Landscape Architect	NRS 623A.065 Good moral character.	For the purposes of this chapter, a person has good moral character if he: 1. Has not been convicted of a class A felony.
	NRS 623A.170 Application; qualifications of applicant.	1. Any person who: (b) Is of good moral character;
Marriage and Family Therapist	NRS 641A.310 Grounds for denial, suspension, or revocation of license.	The board may refuse to grant a license or may suspend or revoke a license for any of the following reasons: 1. Conviction of a felony, or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.
Medical Examiner	NRS 630.301 Grounds for initiating disciplinary action or denying licensure.	The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure: 1. Conviction of a felony, any offense involving moral turpitude or any offense relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.
Mortgage Broker and Mortgage Agent	NRS 645B.0243 Grounds for denial of license: Employing or associating with certain persons who are ineligible to be mortgage agents.	The Commissioner may refuse to issue a license to an applicant if the commissioner has reasonable cause to believe that the applicant or any general partner, officer or director of the applicant has, after October 1, 1999, employed or proposed to employ a person as a mortgage agent or authorized or proposed to authorize a person to be associated with a mortgage broker as a mortgage agent at a time when the applicant or the general partner, officer or director knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person: 1. Had been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude
Mortgage Company General Partner, Officer, or Director	NRS 645E.200 Application for license; application for branch offices; requirements for issuance of license; grounds for denial of license to	3. Except as otherwise provided in this chapter, the Commissioner shall issue a license to an applicant as a mortgage company if: (b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated

**PROFESSIONAL AND OCCUPATIONAL LICENSING
DISQUALIFICATION RESULTING FROM CONVICTIONS**

Profession or Occupation	Nevada Revised Statutes	Relevant Portion(s) of Applicable Statutes
	partnership, corporation or unincorporated association; license for office outside Nevada which conducts business in Nevada.	association: (2) Has not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.
Nurse	NRS 632.320 Grounds for denial, revocation or suspension of license or certificate or other disciplinary action.	The board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that he: 1. Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter. 2. Is guilty of a felony or any offense.
Occupational Therapist	NRS 640A.200 Disciplinary action.	1. The board may, after notice and hearing, suspend, revoke or refuse to issue or renew a license to practice as an occupational therapist or occupational therapy assistant, or may impose conditions upon the use of that license, if the board determines that the holder of or applicant for the license is guilty of unprofessional conduct which has endangered or is likely to endanger the public health, safety or welfare. 3. As used in this section, "unprofessional conduct" includes: (b) The conviction of any crime, except a misdemeanor which does not involve moral turpitude.
Oriental Medicine Practitioner	NRS 634A.170 Suspension, revocation or refusal of license: Grounds.	The board may refuse to issue or may suspend or revoke any license for any one or any combination of the following causes: 1. Conviction of: (a) A felony.
Peace Officer	NAC 289.110 Minimum standards for appointment. (NRS 289.510)	2. A person may not be appointed to perform the duties of a peace officer if he has: (a) Been convicted of a felony in this state or of any offense which would be a felony if committed in this state.
Pharmacist	NRS 639.210 Grounds for suspension or revocation of certificate, license, registration, or permit or denial of application.	The board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant: 7. Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption.
Physical Therapist	NRS 640.080 Qualifications.	To be eligible for licensure by the board as a physical therapist, an applicant must: 1. Be of good moral character.
Podiatrist	NRS 635.050 Qualifications and fees of applicants for examination.	1. Any person desiring to practice podiatry in this state must furnish the board with satisfactory proof that he: (a) Is of good moral character.

**PROFESSIONAL AND OCCUPATIONAL LICENSING
DISQUALIFICATION RESULTING FROM CONVICTIONS**

Profession or Occupation	Nevada Revised Statutes	Relevant Portion(s) of Applicable Statutes
Practitioner of Respiratory Care	NRS 630.301 Grounds for initiating disciplinary action or denying licensure.	The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure: 1. Conviction of a felony, any offense involving moral turpitude or any offense relating to the practice of medicine or the ability to practice medicine. A plea of nolo contendere is a conviction for the purposes of this subsection.
Private Investigator, Private Patrolman, Process Server, Repossessor, Dog Handler, Security Consultant, Polygraphic Examiner or Intern	NRS 648.110 Qualifications of applicants; issuance of license.	1. Before the board grants any license, the applicant, including each director and officer of a corporate applicant, must: (c) Be of good moral character and temperate habits. (d) Have no conviction of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon.
Professional Engineer and Land Surveyor	NRS 625.410 Grounds for disciplinary action.	The board may take disciplinary action against a licensee, an applicant for licensure, an intern or an applicant for certification as an intern for: (a) Any felony.
Real Estate Broker or Real Estate Saleman	NRS 645.330 General qualifications of applicant; grounds for denial of application; eligibility for licensing as broker.	a) May deny a license to any person who has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in a real estate business without a license, possessing for the purpose of sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or elsewhere; and (b) Shall not issue a license to such a person until at least 3 years after: (1) The person pays any fine or restitution ordered by the court; or (2) The expiration of the period of the person's parole, probation or sentence, whichever is later.
School Administrator or Teacher	NRS 391.033 Requirements for issuance of licenses.	1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the commission and as otherwise provided by law. 3. Every applicant for a license must submit with his application a complete set of his fingerprints and written permission authorizing the superintendent to forward the fingerprints to the Federal Bureau of Investigation and to the central repository for Nevada records of criminal history for their reports on the criminal history of the applicant. The superintendent may issue a provisional license pending receipt of the reports if he determines that the applicant is otherwise qualified. 5.. A license must be issued to an applicant if the superintendent determines that the applicant is qualified and:

PROFESSIONAL AND OCCUPATIONAL LICENSING		
DISQUALIFICATION RESULTING FROM CONVICTIONS		
Profession or Occupation	Nevada Revised Statutes	Relevant Portion(s) of Applicable Statutes
		<p>(a) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the central repository for Nevada records of criminal history do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or</p> <p>(b) The superintendent determines, in his discretion, that any conviction indicated in the reports on the criminal history of the applicant is unrelated to the position within the county school district for which the applicant applied.</p>
Taxicab Driver	NRS 706.8841 Driver's permit: Issuance; fingerprints and qualifications of applicant; grounds for refusal to issue permit; fees.	<p>2. The administrator may refuse to issue a driver's permit if the applicant has been convicted of:</p> <p>(a) A felony, other than a felony involving any sexual offense, in this state or any other jurisdiction within 5 years before the date of the application;</p> <p>(b) A felony involving any sexual offense in this state or any other jurisdiction at any time before the date of the application; or</p> <p>(c) A violation of NRS 484.379 or 484.3795 or a law of any other jurisdiction that prohibits the same or similar conduct within 3 years before the date of the application.</p> <p>3. The administrator may refuse to issue a driver's permit if the administrator, after the background investigation of the applicant, determines that the applicant is morally unfit or if the issuance of the driver's permit would be detrimental to public health, welfare or safety.</p>
Title Agent or Escrow Officer	NRS 692A.105 Disciplinary action against title agent or escrow officer or refusal to license.	<p>1. The Commissioner may refuse to license any title agent or escrow officer or may suspend or revoke any license or impose a fine of not more than \$500 for each violation by entering an order to that effect, with his findings in respect thereto, if upon a hearing, it is determined that the applicant or licensee:</p> <p>(i) Has been convicted of a felony or any misdemeanor of which an essential element is fraud;</p> <p>(n) In the case of an escrow officer, has been convicted of, or entered a plea of guilty or nolo contendere to, any crime involving moral turpitude.</p>