



Contact: Michelle Feldman, Economic Mobility Program Director
mfeldman@csg.org (516)557-6650

CSG Fair Chance Licensing Initiative

As states focus on economic recovery, there has been national momentum on Fair Chance Licensing. States across the country are adopting **13 best practices** that ensure a past criminal record is not a permeant roadblock to the 1 in 4 jobs in the U.S. that require an occupational license.

The Council for State Governments Justice Center is offering states technical assistance to improve their Fair Chance Licensing laws. For more information contact **Michelle Feldman, CSG Economic Mobility Program Director** at mfeldman@csg.org.

Which best practices does your state have?

1. **Provide pre-application determinations** for prospective applicants to know whether their record is disqualifying *before* investing in the training and education required for a license.

19 states – AZ, AR, ID, IN, IA, MS, MO, NE, NH, NC, OH, OK, PA, TN, TX, UT, VT, WV, WI

2. **Require online publication of information** describing how criminal history is considered.

8 states – CA, FL, IL, NC, OH, PA, TX WI¹

3. **Explicitly bar consideration of certain records.**

- *Arrests without convictions.* 15 states- AZ, CA, CO, CT, IL, IN, IA, KS, MI, MN, NM, OH, RI, TX, UT
- *Juvenile adjudications* 7 states. AZ, CA, IL, MN, NM, PA, RI²
- *Pardoned/sealed/expunged records* 26 states – AZ, CA, CO, CT, GA, HI, IL, IN, IA, ME, MD, MI, MN, NH, NJ, NM, NY, NC, OH, OK, PA, RI, TN, WA, WV, WI.³

4. **Limit consideration of older convictions** after a period of conviction-free years.

19 states – AZ, AR, AZ, CA, FL, HI, IL, IN, IA, KS, ME, MD, MA, ND, OH, RI, UT, WA, WV, WY

5. **Limit consideration of less serious offenses.**

11 states - AZ, AR, CO, FL, KS, MI, MN, NH, NM, RI, TX

¹ Other states such as UT & VT publish information online despite being under no statutory obligation to do so.

² Consideration of juvenile adjudications may be broadly limited under the general laws of other states, but the extent to which such limitations apply to licensure is frequently ambiguous.

³ The laws of other states may broadly limit consideration of such records or limit access to them, but the extent to which these limitations apply to licensure is frequently ambiguous.



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- 6. Prohibit denials based on vague terms**, such as “lack of good moral character,” or “crimes of moral turpitude.”

21 states – AR, ID, IL, IN, IA, KS, KY, MA, MI, MS, MO, NC, OH, OK, PA, TX, UT, WA, WV, WI, WY

- 7. Require licensing bodies to identify specific offenses that may be disqualifying.**

10 states – DE, IN, IA, KS, MA, MI, OH, OK, TX, WI

- 8. Prohibit denial absent a direct relationship** between an offense and the practice of the licensed profession.

25 states – AZ, CA, DE, GA, HI, IN, IA, KY, MD, MA, MN, MS, MO, NH, NM, NC, OH, OK, PA, RI, TN, UT, VA, WA, WI⁴

- 9. Require individualized consideration of applicants and their convictions** based on specific factors such as the nature and seriousness of the crime, passage of time since the offense, and evidence of rehabilitation.

26 states – AZ, CA, CO, CT, GA, ID, IN, IA, KY, MD, MI, MN, MS, MO, NJ, NY, NC, ND, OH, PA, RI, TN, TX, VA, WV, WI

- 10. Override automatic licensing barriers** to ensure case-by-case evaluations of criminal records.

15 states – AZ, CA, CO, CT, GA, IA, KY, LA, MN, MO, NJ, NC, OH, PA, WV

- 11. Require a written explanation of specific reasons for conviction-based denial (or intent to deny).**

8 states – AR, CT, MS, NJ, NC, ND, OH, PA, TN⁵

- 12. Require notice of intent to deny** so that applicants can provide additional information before being formally rejected.

15 states – HI, IA, KY, MI, MO, NH, NJ, NC, OH, RI, TN, TX, UT, VT, WI⁶

- 13. Provide applicants denied due to criminal history with information** describing applicable appeal, rehearing, or reapplication opportunities.

18 states – AZ, CA, IL, IN, IA, KY, MI, MN, MO, NE, NV, NH, NC, OK, OH, PA, RI, TN

⁴ 14 additional states impose a significantly weaker standard for some or all licenses

⁵ 23 other states explicitly require written explanations of conviction-based denials but do not require those explanations to reference specific statutory standards or factors

⁶ Other states may generally require notice of the intent to deny but do not include requirements specific to determinations based on criminal history.