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DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 43

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING THE BOARD OF ELECTRICAL EXAMINERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 1408, Title 24 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 1408. Qualifications of applicant [For application of this section, see 81 Del. Laws, c. 290, § 5.] [Effective Jan.
4 1, 2019]

5 (a) An applicant, who is applying for licensure as an electrician under this chapter, shall submit evidence, verified
6 by oath and satisfactory to the Board, that such person:

7 (11) ~~Shall-Does not have a criminal conviction record, nor pending criminal charge record, relating to an~~
8 offense, the circumstances of which substantially relate to providing electrical services. Applicants who have criminal
9 conviction records ~~or pending criminal charges~~ shall request appropriate authorities to provide information about the
10 record ~~or charge~~ directly to the Board in sufficient specificity to enable the Board to make a determination whether the
11 ~~record or charge~~ is substantially related to providing electrical services. In determining whether a crime is substantially
12 related to the professions regulated by this chapter, the Board may not consider a conviction where more than 10 years
13 have elapsed since the date of the conviction, if there have been no other criminal convictions in the intervening time.
14 After a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver,
15 the Board, by an affirmative vote of a majority of the quorum, or, during the time between meetings, the Board
16 President or the President's designee, may waive this paragraph (a)(11), if it finds all of the following:

17 a. For waiver of a felony conviction, where the crime was committed against a person, more than 5 3
18 years have elapsed since the date of the conviction and, for all other felonies, more than 2 years have elapsed since
19 the date of conviction. At the time of the application the applicant may not be incarcerated, on work release, ~~on~~
20 ~~probation, on parole or serving any part of a suspended sentence- or on probation or parole at Level III supervision~~

21 or higher and must be in substantial compliance with all court orders pertaining to fines, ~~restitution~~ restitution, and
22 community service.

23 b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may
24 not be incarcerated, on work release, ~~on probation, on parole or serving any part of a suspended sentence~~ or on
25 probation or parole at Level III supervision or higher and must be in substantial compliance with all court orders
26 pertaining to fines, ~~restitution~~ restitution, and community service.

27 c. The applicant is capable of practicing electrical services in a competent and professional manner.

28 d. The granting of the waiver will not endanger the public health, ~~safety~~ safety, or welfare.

29 (13) Has not been convicted of a felony sexual offense.

SYNOPSIS

This Act modifies the impact of criminal history for applicants for licensure to the Board of Electrical Examiners (Board). Specifically, this Act:

(1) Permits the Board to grant waivers for felony convictions for crimes committed against a person where more than 3 years have elapsed, and more than 2 years have elapsed for other felonies.

(2) Permits the Board to grant waivers for felony and misdemeanor convictions if the applicant is on Level I or II probation.

(3) Precludes the Board from considering a conviction where more than 10 years have elapsed since the date of conviction.

(4) Requires an applicant to submit evidence that the applicant has not been convicted of a felony sexual offense.

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Walsh