

SPONSOR: Rep. Minor-Brown & Rep. Osienski & Rep. Longhurst & Sen. Walsh
Reps. K. Johnson, Kowalko, Mitchell; Sens. Delcollo, Poore, Townsend

HOUSE OF REPRESENTATIVES
150th GENERAL ASSEMBLY

HOUSE BILL NO. 7
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO MASSAGE AND BODYWORK.

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

Section 1. Amend § 5308, Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 5308. Qualifications of applicant; report to Attorney General; judicial review.

(a) An applicant who is applying for licensure as a massage and bodywork therapist under this chapter ~~shall~~must submit evidence, verified by oath and satisfactory to the Board, that such person:

(9) Has not been convicted of a crime that is substantially related to the practice of massage and bodywork. In determining whether a crime is substantially related to the practice of massage and bodywork, the Board may not consider a conviction where more than 10 years have elapsed since the date of conviction, with the exception of a conviction for any felony sexual offense as defined under § 761 of Title 11 or unlawful sexual contact in the third degree as defined under § 767 of Title 11,, if there have been no other criminal convictions in the intervening time. ~~However, after~~After a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, or during the time period between Board meetings, the Board President or the President's designee, may waive this paragraph (a)(9), if it finds all of the following:

a. For waiver of a felony conviction, where the crime was committed against a person, more than 3~~5~~ years have ~~elapsed~~passed since the date of the conviction. and for all other felonies, more than 2 years have ~~elapsed~~passed since the date of conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation ~~on~~ or on parole at Level III Supervision or higher, or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.

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

c. For waiver of a conviction for unlawful sexual contact in the third degree, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence, must be in substantial compliance with all court orders pertaining to fines, restitution and community service, and the Board shall continue to have the discretion to grant or deny the waiver for this specific conviction regardless of the amount of time that has passed since the date of conviction.

d. The applicant is capable of practicing massage and bodyworks in a competent and professional manner.

e. The granting of the waiver will not endanger the public health, safety or welfare;

Section 2. Amend § 5308(a)(10), Title 24 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(10) Has not been convicted of a felony sexual offense as defined under § 761 of Title 11; and

Section 3. This Bill takes effect 90 days after enactment.