

	A	B	C	D	E	F						
1	CRIMINAL HISTORY GUIDELINES											
2	* CONTRACTOR *											
3	revised 2021-08-11											
	<p>DISCLAIMER: This guideline is provided only for general information and guidance purposes. The Division uses this guideline simply as a starting point in making licensing or disciplinary decisions. Every applicant and licensee is unique, with individual circumstances that may involve aggravating, mitigating, or other factors. Patterns of conduct may affect any final decision. Please consult your attorney if you have questions.</p>											
4	<p>Instructions: Review the total number of convictions, pleas in abeyance, guilty pleas, or no contest pleas for the corresponding charge(s). Note: any pattern of three similarly related charges require manager review</p> <p>KEY:</p> <table> <tr> <td>Issue</td><td>- proceed with application</td> </tr> <tr> <td>Review</td><td>- requires manager review</td> </tr> <tr> <td>Denied</td><td>- licensure prohibited</td> </tr> </table> <p align="center">DRAFT</p>					Issue	- proceed with application	Review	- requires manager review	Denied	- licensure prohibited	
Issue	- proceed with application											
Review	- requires manager review											
Denied	- licensure prohibited											
5	CHARGE	TIME FRAME (most recent charge)				CHARGE CLASSIFICATION						
6		0-12 mo.	13-48 mo.	5-10 yrs	>10 yrs							
7	Abuse or Neglect of a Child with a Disability	Review	Review	Issue	Issue	3rd Degree Felony						
8	Abuse, Neglect, or Exploitation of a Vulnerable Adult	Review	Review	Issue	Issue	2nd Degree Felony, 3rd Degree Felony, Class A Misdemeanor (intentional, reckless, negligent) under circumstances likely to produce death or serious physical injury						
9	Alcohol Restricted Driver	Issue	Issue	Issue	Issue	Class B Misdemeanor						
10	Animal Cruelty	Issue	Issue	Issue	Issue	Class A, B, C, Misdemeanor (intentional, reckless, negligent) or 3rd Degree Felony for intentional torture of companion animal						
11	Arson	Review	Review	Issue	Issue	2nd Degree Felony						
12	Aggravated Arson	Review	Review	Review	Review	1st Degree Felony						
13	Assault by a Prisoner	Review	Issue	Issue	Issue	3rd Degree Felony						
14	Assault	Review	Issue	Issue	Issue	Class B Misdemeanor enhanced to a Class A when results in substantial bodily injury						
15	Aggravated Assault	Review	Review	Issue	Issue	3rd Degree Felony						
16	Assault Against Police Officer/Military/Health Care Provider/EMS	Review	Review	Issue	Issue	3rd Degree Felony						

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17	Burglary	Review	Review	Issue	Issue	3rd Degree Felony or enhanced to 2nd Degree Felony if committed in a dwelling
18	Aggravated Burglary	Review	Review	Review	Review	1st Degree Felony
19	Burglary of a Vehicle	Review	Review	Issue	Issue	Class A Misdemeanor
20	Bus Hijacking	Review	Review	Review	Review	1st Degree Felony
21	Child Abuse	Review	Issue	Issue	Issue	Class A, B, C Misdemeanor (intentional, reckless, negligent) or enhanced to - 2nd Degree Felony, 3rd Degree Felony, Class A Misdemeanor (intentional, reckless, negligent) when results in serious injury
22	Communications Fraud	Review	Review	Issue	Issue	Class B Misdemeanor - <\$500, Class A Misdemeanor - \$500-\$1499, 3rd Degree Felony - \$1500 - \$4999, 2nd Degree Felony - >\$5000 or obtains sensitive personal identifying info, regardless of value
23	Contributing to the Delinquency of a Minor	Issue	Issue	Issue	Issue	Class B Misdemeanor
24	Criminal Mischief or Criminal Mischief Intentional Damage of Property	Issue	Issue	Issue	Issue	Class A and B Misdemeanors, 2nd Degree Felony and 3rd Degree Felony varying with degree of monetary damage and threat to human life or human health or safety
25	Criminal Trespass	Issue	Issue	Issue	Issue	Class B Misdemeanor or enhanced to Class A if committed in a dwelling
26	Custodial Interference	Issue	Issue	Issue	Issue	Class A or enhanced to 3rd Degree Felony if the child is removed from the state.
27	Damage to or Interruption of a Communication Device	Issue	Issue	Issue	Issue	Class B Misdemeanor
28	Deal in Harmful Material to a Minor	Review	Review	Issue	Issue	3rd Degree Felony
29	Disarming a Peace Officer	Review	Review	Issue	Issue	1st Degree Felony if a firearm and 3rd Degree if a conductive energy device
30	Discharging Firearms and Hurling Missiles into Buses and Terminals	Review	Review	Issue	Issue	3rd Degree Felony
31	Disorderly Conduct/ Continuing After Request to Stop	Issue	Issue	Issue	Issue	Class C Misdemeanor
32	Distribution of an Intimate Image	Review	Issue	Issue	Issue	Class A Misdemeanor
33	Distribution/Offer/Arrange Distribution of Controlled Substance	Review	Review	Issue	Issue	3rd Degree Felony
34	Domestic Violence	Issue	Issue	Issue	Issue	Class B Misdemeanor with multiple conditions for enhancements
35	Domestic Violence in the Presence of a Child	Issue	Issue	Issue	Issue	Class B Misdemeanor
36	Drive With Measurable Amounts	Issue	Issue	Issue	Issue	Class B Misdemeanor
37	DUI (Drive Under the Influence)	Issue	Issue	Issue	Issue	Class B Misdemeanor - third conviction in 10 years results in a 3rd Degree Felony
38	Electronic Communication Harassment	Issue	Issue	Issue	Issue	Class B Misdemeanor
39	Endangerment of a Child or Vulnerable Adult	Review	Issue	Issue	Issue	2nd Degree Felony Enhanced to 1st Degree if results in death
40	Enticing a Minor Over the Internet	Review	Review	Review	Issue	Class B Misdemeanor with multiple conditions for enhancements

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41	Exploitation of Prostitution - Aggravated	Review	Review	Issue	Issue	2nd Degree Felony enhanced to 1st Degree if involves a child
42	Extortion or Bribery to Dismiss Criminal Proceedings	Review	Review	Issue	Issue	2nd Degree Felony
43	Failure to Stop at Command of Law Enforcement	Review	Issue	Issue	Issue	Class A Misdemeanor
44	False Personal Info to Peace Officer	Issue	Issue	Issue	Issue	Class C Misdemeanor enhanced to a Class A with the intent to be another actual person
45	Forgery	Review	Review	Review	Issue	3rd Degree Felony
46	Criminal Homicide:					Multiple Classifications: see below
47	<i>Aggravated Murder</i>	Review	Review	Review	Review	1st Degree Felony or Capital Felony if seeking death penalty
48	<i>Automobile Homicide</i>	Review	Review	Review	Review	2nd Degree Felony
49	<i>Child Abuse Homicide</i>	Review	Review	Review	Review	1st Degree Felony if reckless or 2nd Degree if negligent
50	<i>Homicide by Assault</i>	Review	Review	Review	Review	3rd Degree Felony
51	<i>Manslaughter</i>	Review	Review	Review	Review	2nd Degree Felony
52	<i>Murder</i>	Review	Review	Review	Review	1st Degree Felony
53	<i>Negligent Homicide</i>	Review	Review	Review	Review	Class A Misdemeanor
54	Human Trafficking/Smuggling	Review	Review	Review	Review	2nd Degree Felony or 1st Degree Felony if involves a child (under age of 18)
55	Impaired Driving	Issue	Issue	Issue	Issue	Class B Misdemeanor
56	Impersonating an Officer	Review	Issue	Issue	Issue	Class B Misdemeanor
57	Interference with Public Servant	Review	Issue	Issue	Issue	Class B Misdemeanor
58	Intoxication/Public Intoxication	Issue	Issue	Issue	Issue	Class C Misdemeanor
59	Items Prohibited Correctional/Mental Health Facilities	Review	Issue	Issue	Issue	3rd Degree Felony or enhanced to a 2nd Degree Felony if the item is a weapon or implement of escape
60	"Joyriding" Unauthorized Control for Extended Time	Issue	Issue	Issue	Issue	Class A Misdemeanor
61	Kidnapping/Child Kidnapping/Aggravated Kidnapping	Review	Review	Review	Review	2nd Degree Felony or enhanced to a 1st Degree Felony if child kidnapping or aggravated
62	Lewdness	Review	Issue	Issue	Issue	Class B Misdemeanor
63	Mayhem	Review	Review	Issue	Issue	2nd Degree Felony
64	Obstruction of Justice	Review	Issue	Issue	Issue	Class A Misdemeanor with enhancements based on classification of primary charge
65	Open Container/ Drinking Alcohol in a Vehicle	Issue	Issue	Issue	Issue	Class C Misdemeanor
66	Patronizing a Prostitute	Issue	Issue	Issue	Issue	Class A Misdemeanor
67	Possession of Forged Writing or Device for Writing	Review	Review	Issue	Issue	3rd Degree Felony
68	Possession of Marijuana	Issue	Issue	Issue	Issue	Class B Misdemeanor
69	Possession With Intent to Distribute	Review	Review	Issue	Issue	2nd Degree Felony for Schedule I, II and >100lbs of marijuana - 3rd Degree Felony for Schedule III, IV or <100lbs marijuana
70	Possession/Use of Controlled Substance	Review	Review	Issue	Issue	Class A Misdemeanor for Schedule I or II and Class B for all others

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71	Production/Transfer False Identification	Review	Review	Issue	Issue	2nd Degree Felony
72	Protective Order Violation	Review	Review	Issue	Issue	Class A Misdemeanor
73	Purchase/Possession/Consumption of Alcohol by a Minor	Issue	Issue	Issue	Issue	Class B Misdemeanor
74	Purchase/Possession/Transfer/ Use of a Firearm by a Restricted Person	Review	Review	Issue	Issue	2nd Degree Felony for a Category I Restricted Person and 3rd Degree Felony for a Category II Restricted Person
75	Rape	Review	Review	Review	Review	1st Degree Felony
76	Rape of a Child	Review	Review	Review	Review	1st Degree Felony
77	Object Rape	Review	Review	Review	Review	1st Degree Felony
78	Reckless Driving/ Alcohol Related Reckless Driving	Issue	Issue	Issue	Issue	Class B Misdemeanor
79	Retail Theft	Review	Review	Issue	Issue	Varies from Class B Misdemeanor through 2nd Degree Felony based on value
80	Retaliation Against a Witness, Victim, or Informant	Review	Review	Issue	Issue	3rd Degree Felony
81	Robbery	Review	Review	Review	Issue	2nd Degree Felony
82	Securities Fraud	Review	Review	Review	Review	3rd Degree Felony for <\$10,000 and 2nd Degree Felony for fraud exceeding \$10,000
83	Sexual Abuse of a Child	Review	Review	Review	Review	2nd Degree Felony
84	Sexual Abuse of a Minor (14-16 year old)	Review	Review	Review	Issue	Class A Misdemeanor
85	Forcible Sex Abuse	Review	Review	Review	Review	2nd Degree Felony
86	Aggravated Sexual Assault	Review	Review	Review	Review	1st Degree Felony
87	Sexual Battery	Review	Review	Issue	Issue	Class A Misdemeanor
88	Sexual Exploitation of a Minor	Review	Review	Review	Review	2nd Degree Felony Enhanced to 1st Degree Under certain circumstances
89	Sexual Exploitation of a Vulnerable Adult	Review	Review	Review	Issue	3rd Degree Felony
90	Forcible Sodomy	Review	Review	Review	Review	1st Degree Felony
91	Sodomy on a Child	Review	Review	Review	Review	1st Degree Felony
92	Stalking	Review	Review	Issue	Issue	Class A Misdemeanor
93	Tampering with Evidence	Review	Review	Issue	Issue	3rd Degree Felony
94	Tampering with or Retaliation Against a Juror	Review	Review	Issue	Issue	3rd Degree Felony
95	Tampering with a Witness	Review	Review	Issue	Issue	3rd Degree Felony
96	Theft or Theft of Services	Review	Review	Issue	Issue	Varies from Class B Misdemeanor through 2nd Degree Felony based on value
97	Threat of Terrorism	Review	Review	Issue	Issue	Varies from Class B Misdemeanor through 2nd Degree Felony based on severity
98	Unlawful Acquisition/Possession/ Use of Financial Card	Review	Review	Review	Issue	3rd Degree Felony
99	Unlawful Detention	Issue	Issue	Issue	Issue	Class B Misdemeanor
100	Unlawful Discharge of a Firearm	Review	Review	Issue	Issue	3rd Degree Felony enhanced to 2nd Degree with bodily injury and 1st Degree with serious bodily injury

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101	Unlawful Sexual Activity with a Minor	Review	Review	Issue	Issue	3rd Degree Felony or mitigated to a Class A Misdemeanor if defendant was under 21 - and Class B if defendant was less than 4 yrs older than victim
102	Unlawful Sexual Conduct with a 16 or 17 Year Old	Review	Review	Issue	Issue	Class A Misdemeanor or enhanced to a 3rd Degree Felony if the offense involves intercourse, penetration, or oral sexual activity
103	Use/Possession of Paraphernalia	Issue	Issue	Issue	Issue	Class B Misdemeanor
104	Voyeurism	Review	Review	Issue	Issue	Class A Misdemeanor or enhanced to a 3rd degree Felony if the victim is under age 14
105						
106	** Non Substance-Related Traffic Offenses (ex: Parking, Speeding, Unsecured Load, Failure to Signal, Etc.)	Issue	Issue	Issue	Issue	
107	** Other Misdemeanor Charges Not Listed Above (ex: Littering, Dog at Large, Fishing Without a License, Etc.)	Issue	Issue	Issue	Issue	
108	** Any Other Crime if on the Sex Offender Registry	Review	Review	Review	Review	
109	** 2nd and 3rd Degree Felony Charges (Any Charge within 7 Years)	Review	Review	Review	Issue	
110	** 1st Degree or Capital Felony (Any Charge)	Review	Review	Review	Review	