

Overview:

A recent review of the Criminal History Guideline highlighted areas of inconsistencies in the recommended licensing action. The guidelines contained mislabeled offenses, offenses that were grouped together, and incorporated needless offenses. Omissions of critical offenses were also discovered. Listed below are the named offenses and their corresponding category.

Furthermore, the Guideline consists of four periods of time in which recommended determinations are placed to inform applicants and licensees while also providing administrative direction. Minor adjustments to the time periods considered were also made to ensure consistent application of determinations and to provide clarity for applicants. Specific adjustments are identified below.

Additions – These offenses were omitted in the first review, and will be added to the updated guidelines.

- Abuse or Neglect of a Child with a Disability
- Abuse, Neglect, or Exploitation of a vulnerable Adult
- Arson
- Aggravated Arson
- Aggravated Burglary
- Aggravated Kidnapping
- Bus Hijacking
- Criminal Homicide
 - Aggravated Murder
 - Child Abuse Homicide
 - Homicide by Assault
 - Murder
 - Negligent Homicide
- Disarming a Police Officer
- Discharging Firearms and Hurling Missiles into Buses and Terminals
- Distribution of an Intimate Image
- Endangerment of a Child or Vulnerable Adult
- Exploitation of Prostitution – Aggravated
- Extortion to Dismiss Criminal Proceeding
- Mayhem
- Obstruction of Justice
- Possession of Forged Writing/Device
- Retaliation Against Witness, Victim, or Informant
- Sexual Exploitation of a Vulnerable Adult
- Tampering with Evidence
- Tampering with or Retaliation Against a Juror
- Tampering with a Witness
- Threat of Terrorism
- Unlawful Detention
- Unlawful Discharge of a Firearm

Amendments – These offenses were mislabeled or “grouped” and have been amended or separated for accuracy and clarity:

- Battery corrected to Sexual Battery and Aggravated Battery
- Burglary and Burglary of a Vehicle have been separated
- Homicide has been corrected to include all definitions under Criminal Homicide
- Interfering with Arresting Officer corrected to Interference with Public Servant
- Rape/Object Rape/Rape of a Child have been separated
- Sexual Abuse separated to Forcible Sexual Abuse, Sexual Abuse of a Child, and Sexual Abuse of a Minor (14-16-year-old)
- Sexual Assault corrected to Aggravated Sexual Assault
- Sexual Solicitation corrected to Patronizing a Prostitute
- Sodomy corrected and separated as Forcible Sodomy and Sodomy on a Child
- Unlawful Sexual Activity corrected and separated as Unlawful Sexual Activity with a Minor and Unlawful Sexual Conduct with a 16 or 17-year-old
- Generic “catch-all” guidelines have been amended

Removal – Due to mislabeling, a few offenses were found to be redundant while others did not rise to a level of criminal conduct that would bear a substantial relationship to the applicant's or licensee's ability to safely practice in any given profession or occupation (e.g. dog at large, fishing without a license, etc.). Similarly, traffic offenses that are not substance-related have also been removed.

- Damage to Jails (redundant)
- Dog at Large
- Fishing without a License
- Littering
- Minor in Possession of Alcohol (redundant)
- Operating Vehicle without Insurance
- Possession/Purchase of Tobacco by Minor
- Protective Order, Entered
- Possession of Stolen Property (redundant)
- Simple Assault (redundant)
- Traffic Violations
- Using Handheld Device while Operating Vehicle

Contractor Baseline Criminal History Guideline Adjustments:

A revised Baseline Criminal History Guideline has been created to correct the deficiencies identified as well as provide necessary definitions, criminal classifications, and suggested determinations based on the collective data. Changes that would modify the published Contractor Guidelines are indicated below for the commission's review.

- **Child Abuse** previously categorized as interview in all four timeframes. Adjusted to review in the first year and issue in all other timeframes due to the lack of substantial relationship to the practice of the profession.
- **Communications Fraud** previously categorized as review in all four timeframes. Adjusted to review in the first two and issue in the second two due to the potential of lower level charge classification, and 2nd or 3rd degree felony charges automatically requiring a review up through year seven.
- **Disorderly Conduct/Continuing After Request to Stop** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the charge classification and lack of substantial relationship to the practice of the profession.
- **Domestic Violence** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the lack of substantial relationship to the practice of the profession.
- **Domestic Violence in the Presence of a Child** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the lack of substantial relationship to the practice of the profession.
- **DUI** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the automatic enhancement in the charge classification on the 3rd offense and the lack of substantial relationship to the practice of the profession.
- **Enticing a Minor over the Internet** previously categorized as review in all four timeframes. Adjusted to review in the first two and issue in the second two due to the potential of lower level charge classification and 2nd or 3rd degree felony charges automatically requiring a review up through year seven.
- **Failure to Stop at Command of Law Enforcement** previously categorized as issue in all four timeframes. Adjusted to review in the first year and issue in all timeframes afterwards due to the charge classification.
- **Forgery** previously categorized as review in all four timeframes. Adjusted to issue in an offense committed over ten years ago.
- **Electronic Communication Harassment** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the charge classification and lack of substantial relationship to the practice of the profession.

- **Impaired Driving** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the charge classification and lack of substantial relationship to the practice of the profession.
- **Impersonating an Officer** previously categorized as review in the first two timeframes. Adjusted to review in the first year and issue in the remaining three timeframes due to the charge classification.
- **Intoxication/Public Intoxication** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the charge classification and lack of substantial relationship to the practice of the profession.
- **Items Prohibited Correctional/Mental Health Facilities** previously categorized as review in the first two timeframes. Adjusted to review in the first year and issue in the remaining three timeframes due to the likelihood of this being a secondary offense and the lack of substantial relationship to the practice of the profession.
- **Lewdness** previously categorized as review in the first two timeframes. Adjusted to review in only the first year due to charge classification and lack of substantial relationship to the practice of the profession.
- **Open Container/Drinking Alcohol in Vehicle** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the charge classification and lack of substantial relationship to the practice of the profession.
- **Reckless Driving/Alcohol Related Reckless** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the charge classification and lack of substantial relationship to the practice of the profession.
- **Sexual Battery** previously categorized as interview in all four timeframes. Adjusted to issue in the last two timeframes due to charge classification.
- **Unlawful Acquisition/Possession/Use of Financial Card** previously categorized as review in all four timeframes. Adjusted to issue in an offense committed over ten years ago.
- **Unlawful Possession of Paraphernalia** previously categorized as review in the first two timeframes. Adjusted to issue in all four timeframes due to the charge classification and lack of substantial relationship to the practice of the profession.
- **Voyeurism** previously categorized as review in all four timeframes. Adjusted to issue in the last two timeframes due to charge classification and automatic enhancements.