

Felony Convictions by ALFS Applicants/Licensees

Pursuant to HB1373, the Oklahoma Department of Labor (“ODOL”) must list, with specificity, any criminal offense that is a disqualifying offense for licensure under the Alarm, Locksmith and Fire Sprinkler Act. Disqualifying offenses must “substantially relate to the duties and responsibilities of the occupation” and “pose a reasonable threat to public safety.”

“Substantially relate” means the nature of the criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation.

“Pose a reasonable threat” means the nature of the criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

Black’s Law Dictionary defines “harm” as, “The existence of **loss or detriment** in fact **of any kind** to a person resulting **from any cause.**” (emphasis added).

Applicants and licensees must not have committed any offense resulting in the applicant's or licensee's conviction of a felony. However, if the applicant has had no felony convictions at least ten (10) years prior to making application for a license and the applicant has shown the Committee that the applicant has been rehabilitated, the Committee may recommend the applicant for a license.

Additionally, applicants must not be habitual users of intoxicating liquors or users of any illegal or illicit drug or controlled substance, including, but not limited to, the non-medical use of any prescription drug or other intoxicating substance. 59 O.S. § 1800.7(A)(3). Applicants must not have practiced fraud, deceit, theft, larceny, arson, or misrepresentation. 59 O.S. § 1800.13(B)(4). Applicants must not have demonstrated incompetence or untrustworthiness in their actions. 59 O.S. § 1800.13(B)(5).

The Alarm, Locksmith and Fire Sprinkler Act governs licensure of individuals entrusted to protect the lives and property of others from various threats, both man-made and naturally occurring. ALFS licensees are granted access to businesses and private residences and may have the knowledge, ability, and opportunity to bypass systems designed to prevent unauthorized access to property, both in person and via remote means. As a result, ALFS licensees must demonstrate great respect for the rule of law. ODOL has

determined that all felony convictions substantially relate to the fitness of an applicant to perform duties that grant applicants such significant access to the homes, businesses, and security of others. Likewise, each felony conviction demonstrates a potential to pose a reasonable threat to public safety and the fitness or ability of the applicant to serve the public or work with others in the occupation. **Therefore, any felony conviction is a *potential* bar to licensure under the ALFS Act but no conviction is an *automatic* bar to licensure.** Additionally, several misdemeanor convictions are *potential* bars to licensure if they demonstrate that an individual is a habitual user of intoxicating liquors or drugs, or has practiced fraud, deceit, theft, larceny, or arson (not amounting to a felony).

A person with a criminal history record may request an initial determination of whether his or her criminal history record would potentially disqualify him or her from obtaining an Alarm, Locksmith and Fire Sprinkler Industry license. This request may be made at any time, including before obtaining any required education or training for such occupation. The request shall be in writing and shall include either a copy of the person's criminal history record with explanation of each conviction mentioned in the criminal history record or a statement describing each criminal conviction including the date of each conviction, the court of jurisdiction and the sentence imposed. The person may include a statement with his or her request describing additional information for consideration by the licensing authority including, but not limited to, information about his or her current circumstances, the length of time since conviction and what has changed since the conviction, evidence of rehabilitation, testimonials or personal reference statements and his or her employment aspirations.

Upon receipt of a written request for consideration of a criminal history record, ODOL shall evaluate the request and make an initial determination based upon the information provided in such request whether the stated conviction is a disqualifying offense for the occupation. A notice of initial determination shall be issued to the petitioner within sixty (60) days from the date such request was received by ODOL.

The notice of initial determination shall be in writing and mailed to the requestor at the address provided in his or her request, and shall contain the following statements:

1. Whether the person appears eligible for licensure or certification in the occupation at the current time based upon the information submitted by the requestor;
2. Whether there is a disqualifying offense prohibiting the person's engagement in the occupation at any time and a statement identifying such

offense in the criminal history record or information submitted for consideration;

3. Any actions the person may take to remedy what appears to be a temporary disqualification, if any;

4. The earliest date the person may submit another request for consideration, if any; and

5. A statement that the notice of initial determination is only an initial determination for eligibility for licensure or certification in the occupation based upon the information provided by the requestor.

6. A fee of \$95.00 shall be charged for each initial determination of eligibility ODOL makes for the occupation based upon the information provided by the requestor.

Below is a list of Oklahoma felony convictions that could *potentially* prevent an applicant from obtaining a license. Equivalent felony convictions from other jurisdictions could *potentially* prevent an applicant from obtaining a license.

2-2A-9	FALSE PRESENTATION ON APPLICATION UNDER THE OKLAHOMA DISCHARGE ELIMINATION SYSTEM ACT
2-5-106	Penalties - Occupy, control, damage animal facility
2-6-94	Removal of permanent mark or brand of diseased animal
2-6-125	Moving of livestock in or out of quarantine area - Penalties
2-6-155	Penalties Import livestock without health certificate
2-6-194	Bribery - Penalties - Bribery of meat inspector
2-6-206	Interference with persons engaged in official duties - Penalties
2-6-207	Distribution of adulterated meats
2-6-208	Distribution of adulterated meats
2-6-262	Poultry Products Inspection Penalties
2-6-611	Intentional or knowing release of feral swine- Knowing or intentional
2-9-34	Unlawful acts - Commodity storage and receipts - Penalties - Prepos
2-9-35	Unlawful acts - Commodity storage and receipts - Penalties
2-9-36	Public warehouse designations - Penalty
2-9-37	Unlawful acts - Deposit of encumbered commodities without notice t
2-9-132	statement of material fact - Penalties
2-9-132	License - Bond - Certificate of deposit or money market account - No
2-11-10	Penalties
2-11-10	Tampering or attempting to tamper with anhydrous ammonia pipelin
2-11-26	Penalties - Theft or attempted theft of anhydrous ammonia - Civil act
2-11-26	barred
2-11-26	Production of fuel alcohol without permit - Penalties

2-11-94	Violations of Scrap Metal Dealers Act, penalties - Operating without s information - Burnt copper material - Violations reported - Revocation
2-16-6	Interfering with, molesting or assaulting firefighters - Penalty
2-16-25	Unlawful burning
2-16-28.1	Procedures to lawfully burn land - Civil and criminal liability
2-16-34	Illegal possession of incendiary device
2-16-59	Removal of pine timber or products from state lands
2-16-60	Wrongful injuries to timber - Criminal penalties
2-16-63	Fraudulent sales of timber - Failure to pay full price - Criminal penal
2-16-66	Use of false identification or declaration of ownership - Criminal pena
3-258	Operating aircraft not registered with FAA Office of Aircraft Registry ownership or identity of aircraft
3-259	Destruction, etc., of federal registration number or serial number of identification number plate or decal from aircraft - Sale, etc., of aircr falsified
3-281	Installation of nonconforming fuel tank, bladder, drum, or other cont
3-301	Operation of aircraft under influence of intoxicants - Definitions - Per
3-321	Possession of aircraft without consent of owner - Injury or tampering mechanisms
3A-203.6	Subpoenas - Oaths and affirmations - False testimony- Oklahoma Ho
3A-205	License required-Oklahoma Horse Racing Act
3A-208.4	Conducting race or race meeting without license - Permitting minors
3A-208.6	True name of horse to be used - Violations
3A-208.7	Use of certain devices for stimulating or depressing horse prohibited
3A-208.8	Corrupt acts or practices - Penalties
3A-208.9	Compensation for wagering prohibited - Penalties
3A-208.10	Fraud regarding prior racing record, pedigree, identity or ownership
3A-208.11	Administration of drugs or medications - Determination by rule - Per
3A-504	Offenses Deceptive carnival games
3A-505	Deceptive games- Loss exceeds \$500
3A-615	Penalties State Athletic Commission - Administrative fines - Injunctio
3A-727	Forging, counterfeiting, etc. State Lottery Ticket - Fraud, Deception,
3A-728	False statements in applications, proposals, books, or records to con
4-42.4	Owners of dangerous dogs, bite or attacks on public property - Pena
4-85.11	Penalties unlawful possession of strays
4-268	Fraudulent branding - Branding over or obliterating previous brand -
6-808	Banks prohibited from making political contributions - Penalties
6-809	Prohibited acts - Penalties - officer, director, employee of bank pledg
6-1414	Criminal sanctions, violations of rules and orders - Nonapplicability v sections of Code
10-404.1	Child care facility permit or license - Sex offender registrant working
10A-1-2-101	Establishment of statewide centralized hotline for reporting child abu Reporting abuse or neglect - Retaliation by employer - Violations
10A-1-8-110	Falsification of documents relating to deprived children proceedings

10A-2-7-611	Secure facilities - bringing contraband into - Violations
10A-2-8-221	Transmission of obscenity and child pornography
11-39-113	Use of money in an improvement district fund other than as provided
12-65	False affidavits as to value of real estate- Penalty
12-923	False swearing to obtain funds from the Legal Services Revolving Fund
13-176.3	Prohibited acts -Violations- Security of Communications Act
15-567	Contracts for sale of future delivery
15-761.1	Violations of the Consumer Protection Act exceeding \$500
15-767	License for closing out sale - Application - Forms - Contents - Affidavits
17-6.1	Penalties - Willfully and knowingly injuring or destroying pipeline tra
17-16	Penalty for destroying records
17-158.59	Fines and penalties relating to Rural Electric Cooperatives
17-191.11	Violations - Penalties relating to acquisition, merger of public utilities
18-381.80	Criminal offenses - Penalties- Intent to defraud Savings and Loan As
18-411	Reports - Misapplication of funds solicited
18-552.14A	Professional fundraisers - Violations of act
18-553.3	Penalties- Solicitation of funds in promise to secure welfare
19-28	Official neglect - Felony
19-29	Bribery- vote influence
19-90	Challengers and watchers - Authority
19-91	Knowing and Willful Failure or refusal to perform required duties of e
19-92	Bribery
19-112	County treasurer -Violation of act a felony
19-333.1	Violation of Section 333- failure to keep record of orders and decisio
19-686	Issuance or signing of fraudulent voucher
21-51.1	Second and subsequent offenses after conviction of offense punishable
21-51.2	Second and subsequent offenses 10 years after completion of senten
21-53	Attempt to conceal death of child - Felony on subsequent conviction
21-64	Imposition of fine in addition to imprisonment
21-187.1	Individual contributions - Contributing using intermediary or conduit
21-187.2	Contributions by corporations, labor unions, limited liability compani
21-265	Bribing or offering bribe to executive officer
21-266	Asking or receiving bribes
21-275	Reward for making appointment or deputation
21-282	Entry into restricted area - Disruptive conduct - Obstruction - Acts o
21-301	Preventing meetings of Legislature
21-303	Compelling adjournment of Legislature
21-305	Compelling Legislature to perform or omit act
21-306	Altering draft bill
21-307	Altering engrossed copy of bill
21-308	Bribery of or influencing members
21-309	Soliciting bribes - Trading votes
21-320	Offering gift to legislator
21-322	Legislator soliciting money for securing employment

21-334	Compensation contingent upon influencing official action or legislative
21-341	Embezzlement and false accounts by others
21-349	Injuring or burning public buildings
21-350	Seizing military stores
21-357	Public official supplying materials or supplies for considerations
21-359	Fraudulent claims against public funds
21-360	Coercing political participation of state employees
21-372	Mutilation, treating with indignity or destroying flag - Definitions
21-374	Display of red flag or emblem of disloyalty or anarchy
21-380	Bribery of fiduciary
21-380.1	Commercial bribery involving an insured depository institution
21-381	Bribing officers
21-382	Officers receiving bribes
21-383	Bribing jurors, referees, etc.
21-384	Receiving bribes by jurors, referees, etc.
21-388	Attempts to influence jurors
21-399	Athletic contests - Bribery of participants, officials, etc.
21-400	Acceptance of bribe by participant, official, etc.
21-421	Conspiracy - Definition - Punishment
21-422	Conspiracy outside state against the peace of the state
21-424	Punishment for conspiracy against state
21-434	Attempt to escape from penitentiary
21-436	Attempt to escape from other prison than penitentiary
21-437	Assisting prisoner to escape
21-438	Carrying into prison things to aid escape
21-440	Harboring criminals and fugitives - Assisting a sex offender in violation - Penalties
21-443	Escape from city or county jail or custody of Department of Corrections
21-444	Escape or attempt to escape from arrest or detention - Removal of records
21-445	Unauthorized entry into penal institution, jail, etc. - Penalties
21-446	Unlawful transport of alien - Concealing, harboring or sheltering from keeping documentation
21-451	Offering false evidence
21-453	Preparing false evidence
21-455	Preventing witness from giving testimony - Threatening witness who
21-456	Bribing witness - Subornation of perjury
21-461	Larceny or destruction of records by clerk or officer
21-462	Larceny or destruction of records by other persons
21-463	Offering forged or false instruments for record
21-500	Perjury as a felony
21-504	Perjury by subornation - Felony - Attempted perjury by subornation
21-521	Rescuing prisoners
21-531	Destruction or falsification of records
21-532	Permitting escapes

21-539	Resisting execution of process in time of insurrection
21-540A	Eluding peace officer
21-540B	Roadblocks
21-540C	Fortification of access point where felony under Controlled Dangerous