

**OCCUPATIONAL LICENSE FOR FORMER OFFENDERS (EXCERPT)**  
**Act 381 of 1974**

**338.42 Judgment of guilt in criminal prosecution or judgment in civil action as evidence in determining good moral character; consideration of certificate of employability; rebuttal.**

Sec. 2. (1) A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, by a licensing board or agency as proof of an individual's lack of good moral character. However, the licensing board or agency may use that judgment as evidence in the determination of his or her good moral character.

(2) If a judgment of guilt in a criminal prosecution is used as evidence in the determination of an individual's good moral character under subsection (1), the licensing board or agency shall also consider his or her certificate of employability, if any, under section 34d of the corrections code of 1953, 1953 PA 232, MCL 791.234d, as evidence in the determination.

(3) If a judgment of guilt in a criminal proceeding or a judgment in a civil action is used under subsection (1) as evidence of an individual's lack of good moral character, the licensing board or agency shall notify the individual and he or she is permitted to rebut the evidence by showing that at the current time he or she has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that he or she is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she is seeking a license.

**History:** 1974, Act 381, Eff. Apr. 1, 1975;—Am. 1978, Act 294, Imd. Eff. July 10, 1978;—Am. 2014, Act 361, Eff. Jan. 1, 2015.

**Compiler's note:** For transfer of powers and duties of the bureau of family services from the department of consumer and industry services to the family independence agency by Type II transfer, see E.R.O. No. 2003-1, compiled at MCL 445.2011.