Exhibit No. 3
Date 2-15-05
Bill No. SB 357

Amendments to Senate Bill No. 357
1st Reading Copy

Requested by Senator Gary Perry

For the Senate Judiciary Committee

Prepared by Valencia Lane
February 15, 2005 (4:52pm)

1. Page 4, line 8 through line 9.
**Strike:** subsection (7) in its entirety
**Renumber:** subsequent subsections

2. Page 4, line 16.
**Following:** "subsection"
**Strike:** "(9)"
**Insert:** "(8)"

3. Page 4, line 30.
**Following:** "subsection"
**Strike:** "(11)(a)"
**Insert:** "(10)(a)"

- END -

(OVER)



3

1 (kk) criminal possession of an imitation dangerous drug with the purpose to distribute, as provided in
2 45-9-113;
3 (ll) criminal manufacture of an imitation dangerous drug, as provided in 45-9-115;
4 (mm) operation of an unlawful clandestine laboratory, as provided in 45-9-132;
5 (nn) criminal possession of drug paraphernalia, as provided in 45-10-103;
6 (oo) manufacture or delivery of drug paraphernalia, as provided in 45-10-104; or
7 (pp) delivery of drug paraphernalia to a minor, as provided in 45-10-105.
8 ~~(7) The board may issue a 6-month nonrenewable letter of provisional licensure to a first-time applicant~~
9 ~~pending the results of the criminal background check.~~
10 (7) ~~(8)~~ Upon receipt of information from the department of justice that the person holding a provisional
11 license has pleaded guilty or nolo contendere to or been found guilty of any offense listed in subsection (6), the
12 board shall immediately revoke the provisional license.
13 (8) ~~(9)~~ The provisions of subsection (6) may be waived by the board upon the request of:
14 (a) an affected applicant for licensure; or
15 (b) the person holding a license subject to revocation.
16 (9) ~~(10)~~ A waiver under subsection (8) ~~(8)~~ may be granted under certain conditions, taking into consideration,
17 without limitation, the following:
18 (a) the age at which the crime was committed;
19 (b) the circumstances surrounding the crime;
20 (c) the length of time since the crime;
21 (d) subsequent work history;
22 (e) employment references;
23 (f) character references; and
24 (g) other evidence demonstrating that the applicant does not pose a threat to the health, safety, or
25 well-being of children, the elderly, mentally ill persons, or other vulnerable persons.
26 (10) ~~(11)~~ (a) Any information received by the board from the department of justice pursuant to this section
27 is not available for examination except by the affected applicant for licensure, the applicant's authorized
28 representative, the person whose license is subject to revocation, or the licensee's authorized representative.
29 A record, file, or document may not be removed from the custody of the department of justice.
30 (b) The information referred to in subsection (10)(a) ~~(11)(a)~~ is subject to the rules of discovery and admissibility