

Chapter 18.400 RCW
PROFESSIONAL LICENSURE—PREVIOUS CRIMINAL CONVICTIONS

Sections

- 18.400.010 Findings—Intent.
18.400.020 Preliminary application for a professional license with a criminal conviction.
18.400.030 Licensing authority disqualification determination.
18.400.900 Effective date—2021 c 194.

RCW 18.400.010 Findings—Intent. (1) The legislature finds that individuals with prior criminal convictions, upon completing the terms of one's sentence, have paid their debt to society, and should be given the opportunity to be regular and productive members of society by seeking gainful employment. Recognizing the perils recidivism poses to the individual, families, public safety, and general well-being, the legislature should prioritize that removal of these barriers which prevent these individuals from entering the workforce.

(2) It is the intent of the legislature to provide a reliable process for individuals with past criminal convictions to apply for a professional license, and to not be prevented from obtaining a professional license due to a prior criminal conviction which does not directly relate to the applicable profession, business, or trade.
[2021 c 194 s 1.]

RCW 18.400.020 Preliminary application for a professional license with a criminal conviction. (1) An individual who has a criminal conviction may submit to the appropriate licensing authority a preliminary application for a professional license, government certification, or state recognition of the individual's personal qualifications for a determination as to whether the individual's criminal conviction would disqualify the individual from obtaining the occupational or professional license, government certification, or state recognition of the individual's personal qualifications from that licensing authority. The preliminary application may be submitted at any time, including prior to obtaining required education or paying any fee. Only licenses, certifications, or recognitions administered by the department of licensing or a board or commission with the support of the department of licensing are eligible for a determination under this section.

(2) In making a determination under this section, the appropriate licensing authority must consider, but is not limited to, the following factors:

- (a) The nature and seriousness of the offense;
- (b) The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the profession;
- (c) The age of the person at the time of the offense;
- (d) The length of time elapsed since the offense;
- (e) Completion of the criminal sentence; and
- (f) Other evidence of rehabilitation, treatment, testimonials, employment history, and employment aspirations.

(3) Upon receipt of a preliminary application, the appropriate licensing authority shall make a determination of whether the

individual's criminal conviction would disqualify the individual from obtaining a professional license, government certification, or state recognition of the individual's personal qualifications from that licensing authority.

(4) The licensing authority shall issue its determination in writing within two months after receiving a preliminary application. If the licensing authority determines that the individual's criminal conviction would disqualify the individual, the licensing authority will provide a written determination that:

(a) Includes the specific factors in subsection (2) of this section that the licensing authority deemed disqualifying;

(b) Advises the individual of any action the individual may take to remedy the disqualification; and

(c) Provides the earliest date the individual may reapply for a new determination.

(5) If the licensing authority finds that the individual has been convicted of a subsequent criminal conviction, or that the individual has failed to disclose a conviction, the licensing authority may rescind a determination upon finding that the subsequent criminal conviction would be disqualifying under subsection (3) of this section.

(6) The individual may appeal the determination of the licensing authority. The appeal shall be in accordance with chapter 34.05 RCW.

(7) An individual whose preliminary application has been disqualified shall not file another preliminary application under this section with the same licensing authority within two years after the final decision on the previous preliminary application, except that if the individual has taken action to remedy the disqualification as advised by the licensing board. If such action has been taken, the individual may file another preliminary application under this section with the same licensing authority six months after the final decision on the previous preliminary application.

(8) A licensing authority shall not charge a fee to a person for any preliminary application filed pursuant to this section. [2022 c 32 s 1; 2021 c 194 s 2.]

RCW 18.400.030 Licensing authority disqualification

determination. (1) When issuing a professional license, government certification, or state recognition, the appropriate licensing authority may not disqualify an individual based on:

(a) A conviction that has been sealed, dismissed, expunged, or pardoned; or

(b) A juvenile adjudication.

(2) The appropriate licensing authority may disqualify an individual from obtaining a professional license, government certification, or state recognition if it determines the individual's conviction is related to the occupation or profession unless the individual has requested and received a certificate of restoration of opportunity under RCW 9.97.020. [2022 c 32 s 2; 2021 c 194 s 3.]

RCW 18.400.900 Effective date—2021 c 194. This act takes effect January 1, 2022. [2021 c 194 s 4.]