

SENATE BILL REPORT

HB 1399

As Reported by Senate Committee On:
Business, Financial Services & Trade, March 25, 2021

Title: An act relating to reducing barriers to professional licensure for individuals with previous criminal convictions.

Brief Description: Reducing barriers to professional licensure for individuals with previous criminal convictions.

Sponsors: Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young.

Brief History: Passed House: 3/1/21, 98-0.

Committee Activity: Business, Financial Services & Trade: 3/18/21, 3/25/21 [DPA].

Brief Summary of Amended Bill

- Creates a process for a person with a criminal conviction to request a determination of whether that criminal history is disqualifying for obtaining a professional license administered by the Department of Licensing.

SENATE COMMITTEE ON BUSINESS, FINANCIAL SERVICES & TRADE

Majority Report: Do pass as amended.

Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Dozier, Ranking Member; Brown, Frockt, Hobbs and Wilson, L.

Staff: Clinton McCarthy (786-7319)

Background: Professional Licensing. The Department of Licensing (DOL) regulates a number of businesses and professions. For regulated professions, DOL issues licenses and ensures compliance with professional standards and laws. Examples of professions regulated directly by DOL, or in coordination with a board or commission, include:

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- architects;
- cosmetologists;
- funeral directors;
- real estate brokers; and
- security guards.

Requirements for a professional license, certificate, registration, or permit vary considerably. Some professions may require:

- college-level coursework;
- experience;
- an examination;
- a background check;
- a surety bond, insurance, or other minimum financial standards;
- minimum safety standards;
- continuing education for licensees; or
- duties of care for clients.

Many professions have provisions for some form of reciprocity or consideration of experience from other states or military service. DOL and other licensing authorities must expedite issuance of a broad range of professional licenses, certificates, registrations, or permits for qualified military spouses.

Certificate of Restoration of Opportunity. A person with a criminal record may be eligible to obtain a certificate of restoration of opportunity (CROP) from a superior court. To be eligible, specific time periods must have passed since sentencing, supervision, or release from confinement, and an applicant must be in compliance with or completed all sentencing requirements, including legal financial obligations.

An applicant with any new arrests, convictions, or pending criminal charges or known imminent charges, or who is required to register as a sex offender, is not eligible for a CROP. An applicant is not eligible if convicted of any of the following: a class A felony, an attempt to commit a class A felony, or criminal solicitation of or criminal conspiracy to commit a class A felony; a sex offense; a crime that includes sexual motivation; extortion in the first degree; drive-by shooting; vehicular assault; or luring.

When a qualified applicant holds a CROP and meets all other statutory or regulatory requirements, a licensing authority may not refuse a license, certificate of authority, or qualification to engage in the practice of any profession or business solely based on the applicant's criminal history.

Certain professional licenses are not covered by a CROP, including the following professions regulated by DOL: accountants, bail bond agents, escrow agents, private investigators, security guards, notaries public, and real estate brokers and salespersons.

Summary of Amended Bill: An individual with a criminal conviction may submit a preliminary application to DOL, or a board or commission supported by DOL, for a determination of whether that criminal history will disqualify the individual from obtaining a professional license. The individual may submit the preliminary application at any time, including before obtaining any required education or paying any licensing fee. DOL may charge a fee not to exceed \$100 for each preliminary application filed.

Once the preliminary application has been received, the licensing authority must determine whether the individual's criminal conviction would disqualify the person from obtaining a professional license. The licensing authority may disqualify the individual if it determines the individual's criminal conviction is related to the profession. The determination must be made in writing within two months after receiving a preliminary application. An individual may appeal the determination to the licensing authority. A person may not file another preliminary application with the same licensing authority within two years after the final decision on the previous preliminary application, except when the applicant has taken action to remedy the disqualification.

A criminal conviction may not disqualify an individual from obtaining a professional license in any instance where the individual has requested and received a CROP.

EFFECT OF BUSINESS, FINANCIAL SERVICES & TRADE COMMITTEE AMENDMENT(S):

Changed the amount of time that a licensing authority has to consider a preliminary application from six months to two months.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on January 1, 2022.

Staff Summary of Public Testimony on House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: We want the government to reduce the number of hurdles for someone to be employed. Right now, you have to go through all the licensure procedures, and could be denied at the conclusion of the process after a lot of time and energy is invested. This bill is very popular and passed 98 to 0 and enjoys broad non-partisan support. This is a fantastic bill for people with criminal convictions with a new start. There are many challenges for people with convictions trying to reenter the workforce. The timeline for DOL is six months—this is a very long time and should be reconsidered. Please remove barriers for community members that exist on the margins of society because of their criminal history. We need employment opportunities for the

formerly incarcerated. Jobs provide stability for families. The bill is not in the Governor's Budget, but the State Reentry Council is in favor of this legislation. This bill would have an immediate impact, especially if stakeholders get the word out.

Persons Testifying: PRO: Representative Brandon Vick, Prime Sponsor; Todd Myers, Washington Policy Center; Jennifer Porter; Christopher Poulos, Washington Statewide Reentry Council.

Persons Signed In To Testify But Not Testifying: No one.