
HOUSE BILL 1399

State of Washington

67th Legislature

2021 Regular Session

By Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan, and Young

Read first time 01/27/21. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to reducing barriers to professional licensure
2 for individuals with previous criminal convictions; adding a new
3 chapter to Title 18 RCW; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that individuals
6 with prior criminal convictions, upon completing the terms of one's
7 sentence, have paid their debt to society, and should be given the
8 opportunity to be regular and productive members of society by
9 seeking gainful employment. Recognizing the perils recidivism poses
10 to the individual, families, public safety, and general well-being,
11 the legislature should prioritize that removal of these barriers
12 which prevent these individuals from entering the workforce.

13 (2) It is the intent of the legislature to provide a reliable
14 process for individuals with past criminal convictions to apply for a
15 professional license, and to not be prevented from obtaining a
16 professional license due to a prior criminal conviction which does
17 not directly relate to the applicable profession, business, or trade.

18 NEW SECTION. **Sec. 2.** (1) An individual who has a criminal
19 conviction may submit to the appropriate licensing authority a
20 preliminary application for a professional license, government

1 certification, or state recognition of the individual's personal
2 qualifications for a determination as to whether the individual's
3 criminal conviction would disqualify the individual from obtaining
4 the occupational or professional license, government certification,
5 or state recognition of the individual's personal qualifications from
6 that licensing authority. The preliminary application may be
7 submitted at any time, including prior to obtaining required
8 education or paying any fee, other than the fee for the preliminary
9 application under subsection (7) of this section. Only licenses,
10 certifications, or recognitions administered by the department of
11 licensing or a board or commission with the support of the department
12 of licensing are eligible for a determination under this section.

13 (2) The preliminary application may include additional
14 information about the individual's current circumstances, including
15 the time since the offense, completion of the criminal sentence,
16 other evidence of rehabilitation, testimonials, employment history,
17 and employment aspirations.

18 (3) Upon receipt of a preliminary application under subsection
19 (2) of this section and a fee if required under subsection (7) of
20 this section, the appropriate licensing authority shall make a
21 determination of whether the individual's criminal conviction would
22 disqualify the individual from obtaining a professional license,
23 government certification, or state recognition of the individual's
24 personal qualifications from that licensing authority.

25 (4) The licensing authority shall issue its determination in
26 writing within six months after receiving a preliminary application
27 under subsection (2) of this section. If the licensing authority
28 determines that the individual's criminal conviction would disqualify
29 the individual, the licensing authority will provide a determination
30 that includes findings of fact and conclusions of law and may advise
31 the individual of any action the individual may take to remedy the
32 disqualification. If the licensing authority finds that the
33 individual has been convicted of a subsequent criminal conviction, or
34 that the individual has failed to disclose a conviction, the
35 licensing authority may rescind a determination upon finding that the
36 subsequent criminal conviction would be disqualifying under
37 subsection (3) of this section.

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

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

11 (7) A licensing authority may charge a fee not to exceed \$100 for
12 each preliminary application filed pursuant to this section. The fee
13 is intended to offset the administrative costs incurred under this
14 section.

15 NEW SECTION. **Sec. 3.** The appropriate licensing authority may
16 disqualify an individual from obtaining a professional license,
17 government certification, or state recognition if it determines the
18 individual's conviction is related to the occupation or profession
19 unless the individual has requested and received a certificate of
20 restoration of opportunity under RCW 9.97.020.

21 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2022.

22 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act
23 constitute a new chapter in Title 18 RCW.

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