

HOUSE BILL REPORT

SB 5253

As Reported By House Committee On:

Commerce & Labor

Title: An act relating to grounds for disciplinary action against real estate brokers or salespersons.

Brief Description: Preventing a registered sex offender from holding a real estate license.

Sponsors: Senators Benton, Prentice, Winsley, Shin, Deccio, Heavey, Rasmussen, West, T. Sheldon, Hale, Gardner, Rossi and Oke; by request of Department of Licensing.

Brief History:

Committee Activity:

Commerce & Labor: 3/29/99, 4/2/99 [DP].

Brief Summary of Bill
<ul style="list-style-type: none">The Department of Licensing may suspend, deny, or revoke the license of a real estate broker or salesperson who is a sex offender for as long as the offender is required to be registered.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 8 members: Representatives Clements, Republican Co-Chair; Conway, Democratic Co-Chair; B. Chandler, Republican Vice Chair; Wood, Democratic Vice Chair; Hurst; Lisk; McIntire and McMorris.

Staff: Douglas Ruth (786-7134).

Background:

The Department of Licensing administers the real estate broker and salesperson licensing program. The department may deny license applications and discipline brokers and salespersons if the director finds a violation of one of the various grounds for discipline. Once the director finds that an individual committed a violation, the

director may levy a fine, require completion of a course relevant to the violation, or deny, suspend, or revoke the individual's license.

One of the grounds for discipline is commission of a crime involving moral turpitude. The department considers sex offenses as crimes involving moral turpitude. Persons convicted of sex offenses must register with the local sheriff when released from incarceration. Depending on the level of the crime committed, sex offenders must continue to register for 10 years, 15 years, or life.

The director's ability to deny a license to someone who has committed a crime of moral turpitude is limited by the general restriction that convictions more than 10 years old may not be used as a basis to deny a professional license. As a result, the department cannot deny an application or suspend the license of a registered sex offender who was convicted more than 10 years ago.

Summary of Bill:

The bill permits the department to suspend, deny, or revoke the license of a real estate broker or salesperson who is a sex offender for as long as the offender is required to be registered.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The law prohibiting agencies from denying a license for a crime convicted more than 10 years prior to application assumes that criminals rehabilitate within 10 years. This is not true in the case of sex offenders. Real estate salespersons often have access to house keys in order to show homes. Since children are often left home alone, it is unsafe to allow sex offenders to have this type of access. The bill guards against this risk. The bill is important because there are more than 11,000 registered sex offenders in the state.

Testimony Against: None.

Testified: Senator Benton, prime sponsor; Bob Mitchell, Department of Licensing; and Bryan WASL, Washington Association of Realtors.