

HOUSE BILL ANALYSIS

HB 1188

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

Sponsors: Hurst and Clements

Hearing: January 27, 1999

BACKGROUND:

The licensure of real estate brokers and salespersons is administered by the Department of Licensing. The department administers a test to each license applicant and insures that applicants meet several admission conditions. The department also has authority for disciplining licensed brokers and salespersons. If the director finds that an individual has violated one of the grounds for discipline listed in statute, 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 disciplinary action is commission of a crime involving moral turpitude. Among the crimes the department considers within this category are sex offenses. These are crimes defined under RCW 9A.44.130(8). Persons convicted of these crimes must register with the sheriff in the county of their residence when they are released from incarceration. Sex offenders are registered for life, fifteen years or ten years depending on the level of crime committed.

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 (RCW 9.96A.020). 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 sex offender regardless of the date of the offender's conviction.

RULES AUTHORITY: The bill does not contain provisions addressing the rule making

powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of a session in which bill is passed.