

1 **ESSB 5606** - H AMD TO CFS COMM AMD(H-2326.3/01) **ADOPTED 4/11/01**

2 By Representative Lambert

3 On page 1, beginning on line 22 of the amendment, strike all  
4 material through line 33 and insert the following:

5 **Sec. 2.** RCW 9.96A.020 and 1999 c 16 s 1 are each amended to read  
6 as follows:

7 (1) Subject to the exceptions in subsections (3) and (4) of this  
8 section, and unless there is another provision of law to the contrary,  
9 a person is not disqualified from employment by the state of Washington  
10 or any of its counties, cities, towns, municipal corporations, or  
11 quasi-municipal corporations, nor is a person disqualified to practice,  
12 pursue or engage in any occupation, trade, vocation, or business for  
13 which a license, permit, certificate or registration is required to be  
14 issued by the state of Washington or any of its counties, cities,  
15 towns, municipal corporations, or quasi-municipal corporations solely  
16 because of a prior conviction of a felony. However, this section does  
17 not preclude the fact of any prior conviction of a crime from being  
18 considered.

19 (2) A person may be denied employment by the state of Washington  
20 or any of its counties, cities, towns, municipal corporations, or  
21 quasi-municipal corporations, or a person may be denied a license,  
22 permit, certificate or registration to pursue, practice or engage in an  
23 occupation, trade, vocation, or business by reason of the prior  
24 conviction of a felony if the felony for which he or she was convicted  
25 directly relates to the position of employment sought or to the  
26 specific occupation, trade, vocation, or business for which the  
27 license, permit, certificate or registration is sought, and the time  
28 elapsed since the conviction is less than ten years. However, for  
29 positions in the county treasurer's office, a person may be  
30 disqualified from employment because of a prior guilty plea or  
31 conviction of a felony involving embezzlement or theft, even if the  
32 time elapsed since the guilty plea or conviction is ten years or more.

33 (3) A person is disqualified for any certificate required or  
34 authorized under chapters 28A.405 or 28A.410 RCW, because of a prior  
35 guilty plea or the conviction of a felony involving sexual exploitation  
36 of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44

1 RCW where a minor is the victim, promoting prostitution of a minor  
2 under chapter 9A.88 RCW, or a violation of similar laws of another  
3 jurisdiction, even if the time elapsed since the guilty plea or  
4 conviction is ten years or more.

5 (4) A person is disqualified from employment by school districts,  
6 educational service districts, and their contractors hiring employees  
7 who will have regularly scheduled unsupervised access to children,  
8 because of a prior guilty plea or conviction of a felony involving  
9 sexual exploitation of a child under chapter 9.68A RCW, sexual offenses  
10 under chapter 9A.44 RCW where a minor is the victim, promoting  
11 prostitution of a minor under chapter 9A.88 RCW, or a violation of  
12 similar laws of another jurisdiction, even if the time elapsed since  
13 the guilty plea or conviction is ten years or more.

14 (5) A person is disqualified from employment by the department of  
15 social and health services because of a prior felony guilty plea or  
16 conviction if the felony relates to the position of employment sought  
17 and the position involves or may involve unsupervised access to  
18 children, a person who is under the age of twenty-one and has been  
19 sentenced to a term of confinement under the supervision of the  
20 department of social and health services under chapter 13.40 RCW, a  
21 person who is a vulnerable adult under chapter 74.34 or a person who is  
22 a vulnerable person, even if the time elapsed since the guilty plea or  
23 conviction is ten years or more. For the purposes of this section,  
24 vulnerable person- means an adult of any age who lacks the functional,  
25 mental, or physical ability to care for himself or herself.

26 (6) Subsections (3) and (4) of this section only apply to a person  
27 applying for a certificate or for employment on or after July 25,  
28 1993.-

**EFFECT:** Clarifies the language allowing DSHS to consider felony convictions and guilty pleas that occurred over 10 years ago in making employment decisions for positions that involve or may involve unsupervised access to a vulnerable population.