
SUBSTITUTE HOUSE BILL 1553

State of Washington 64th Legislature 2015 Regular Session

By House Public Safety (originally sponsored by Representatives Walkinshaw, MacEwen, Ryu, Appleton, Moscoso, Holy, Gregerson, Zeiger, Peterson, Farrell, Walsh, Reykdal, Orwall, Pettigrew, Tharinger, Fitzgibbon, and Kagi)

READ FIRST TIME 02/10/15.

1 AN ACT Relating to certificates of restoration of opportunity;
2 amending RCW 7.60.035, 9.92.120, 10.97.030, 14.20.090, 18.04.295,
3 9.96A.020, 9.96A.050, 18.11.160, 18.20.125, 18.39.410, 18.44.241,
4 18.44.311, 18.52.071, 43.43.842, 18.64.165, 18.88B.080, 18.108.085,
5 18.130.055, 18.235.110, 18.145.120, 9.94A.030, 18.160.080,
6 18.165.030, 18.170.030, 18.185.020, 18.185.250, 18.130.160, and
7 43.20A.710; reenacting and amending RCW 18.130.050; adding a new
8 chapter to Title 9 RCW; and creating new sections.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that employment is a
11 key factor to the successful reintegration to society of people with
12 criminal histories, and is critical to reducing recidivism, promoting
13 public safety, and encouraging personal responsibility.

14 Occupational licensing and employment laws regulate many
15 professions as well as unskilled and semiskilled
16 occupations. Examples of regulated occupations include alcohol
17 servers, barbers and cosmetologists, body piercers, commercial
18 fishers, contractors, drivers, embalmers, engineers, health care
19 workers, insurance adjusters, real estate professionals, tattoo
20 artists, and waste management workers. Individuals with criminal
21 histories may meet the competency requirements for these occupations

1 through training, experience, or education, but may be disqualified
2 from them based on their criminal history.

3 Certificates of restoration of opportunity help reduce some
4 barriers to employment for adults and juveniles by providing an
5 opportunity for individuals to become more employable and to more
6 successfully reintegrate into society after they have served their
7 sentence, demonstrated a period of law-abiding behavior consistent
8 with successful reentry, and have turned their lives around following
9 a conviction. Applicants for a certificate must also meet all other
10 statutory licensing requirements.

11 Certificates of restoration of opportunity offer potential public
12 and private employers or housing providers concrete and objective
13 information about an individual under consideration for an
14 opportunity. These certificates can facilitate the successful
15 societal reintegration of individuals with a criminal history whose
16 behavior demonstrates that they are taking responsibility for their
17 past criminal conduct and pursuing a positive law-abiding future. A
18 certificate of restoration of opportunity provides a process for
19 people previously sentenced by a Washington court who have
20 successfully changed their lives to seek a court document confirming
21 their changed circumstances.

22 A certificate of restoration of opportunity does not affect any
23 employer's or housing provider's discretion to individually assess
24 every applicant and to hire or rent to the applicants of their
25 choice. Employers will not have to forego hiring their chosen
26 applicants because they face statutory bars that prevent obtaining
27 the necessary occupational credentials.

28 NEW SECTION. **Sec. 2.** The definitions in this section apply
29 throughout this chapter unless the context clearly requires
30 otherwise.

31 (1) "Qualified applicant" means any adult or juvenile who meets
32 the following requirements:

33 (a)(i) One year has passed from sentencing for those sentenced by
34 a Washington state court to probation, or receiving a deferred
35 sentence or other noncustodial sentencing for a misdemeanor or gross
36 misdemeanor offense or an equivalent juvenile adjudication; or

37 (ii) Eighteen months have passed from release from total or
38 partial confinement from a Washington prison or jail or juvenile
39 facility for those sentenced by a Washington state court to

1 incarceration for a misdemeanor or gross misdemeanor or an equivalent
2 juvenile adjudication; or

3 (iii) Two years have passed from sentencing for those sentenced
4 by a Washington state court to probation, or receiving a deferred
5 sentence or other noncustodial sentencing for a class B or C felony
6 or an equivalent juvenile adjudication; or

7 (iv) Two years have passed from release from total or partial
8 confinement from a Washington prison or jail or juvenile facility for
9 those sentenced by a Washington state court for a class B or C felony
10 or an equivalent juvenile adjudication; or

11 (v) Three years have passed from sentencing for those sentenced
12 by a Washington state court to probation, or receiving a deferred
13 sentence or other noncustodial sentencing for a class A felony or an
14 equivalent juvenile adjudication; or

15 (vi) Three years have passed from release from total or partial
16 confinement from a Washington prison or jail or juvenile facility for
17 those sentenced by a Washington state court for a class A felony or
18 an equivalent juvenile adjudication;

19 (b) Is in compliance or has completed all sentencing requirements
20 imposed by a court except for court-ordered legal financial
21 obligations as long as he or she has a payment plan in place and has
22 made at least nine payments in the last twelve months, or has good
23 cause for missing payments during this period;

24 (c) Has never been convicted of a sex offense as defined in RCW
25 9.94A.030 or a crime that includes sexual motivation pursuant to RCW
26 9.94A.835, 13.40.135, 9.94A.535(3)(f), and is not required to
27 register as a sex offender pursuant to RCW 9A.44.130; and

28 (d) Has not been arrested for nor convicted of a new crime and
29 has no pending criminal charge, and there is no information presented
30 to a qualified court that such a charge is imminent.

31 (2) "Qualified court" means any Washington superior court in the
32 county where an applicant resides or that has sentenced or
33 adjudicated the applicant. If the sentencing or adjudicating court
34 was a court of limited jurisdiction then a qualified court is the
35 superior court in the county of the applicant's conviction or
36 adjudication.

37 NEW SECTION. **Sec. 3.** (1) No state, county, or municipal
38 department, board, officer, or agency authorized to assess the
39 qualifications of any applicant for a license, certificate of

1 authority, qualification to engage in the practice of a profession or
2 business, or for admission to an examination to qualify for such a
3 license or certificate may disqualify a qualified applicant, solely
4 based on the applicant's criminal history, if the qualified applicant
5 has obtained a certificate of restoration of opportunity and the
6 applicant meets all other statutory and regulatory requirements,
7 except as required by federal law or exempted under this subsection.
8 Nothing in this section is interpreted as restoring or creating a
9 means to restore any firearms rights or eligibility to obtain a
10 firearm dealer license pursuant to RCW 9.41.110 or requiring the
11 removal of a protection order.

12 (a) Criminal justice agencies, as defined in RCW 10.97.030, and
13 the Washington state bar association are exempt from this section.

14 (b) To the extent this section conflicts with the requirements
15 for receipt of federal funding under the adoption and safe families
16 act, 42 U.S.C. Sec. 671, this section shall not apply.

17 (c) Unless otherwise addressed in statute, in cases where an
18 applicant would be disqualified under RCW 43.20A.710 or 43.43.842,
19 and the applicant has obtained a certificate of restoration of
20 opportunity, the department of social and health services may, after
21 review of relevant factors, including the nature and seriousness of
22 the offense, time that has passed since conviction, changed
23 circumstances since the offense occurred, and the nature of the
24 employment or license sought, at its discretion:

25 (i) Allow the applicant to have unsupervised access to children,
26 vulnerable adults, or individuals with mental illness or
27 developmental disabilities if the applicant is otherwise qualified
28 and suitable; or

29 (ii) Disqualify the applicant solely based on the applicant's
30 criminal history.

31 (d) If the practice of a profession or business involves
32 unsupervised contact with vulnerable adults, children, or individuals
33 with mental illness or developmental disabilities, or populations
34 otherwise defined by statute as vulnerable, the department of health
35 may, after review of relevant factors, including the nature and
36 seriousness of the offense, time that has passed since conviction,
37 changed circumstances since the offense occurred, and the nature of
38 the employment or license sought, at its discretion:

39 (i) Disqualify an applicant who has obtained a certificate of
40 restoration of opportunity, for a license, certification, or

1 registration to engage in the practice of a health care profession or
2 business solely based on the applicant's criminal history; or

3 (ii) If such applicant is otherwise qualified and suitable,
4 credential or credential with conditions an applicant who has
5 obtained a certificate of restoration of opportunity for a license,
6 certification, or registration to engage in the practice of a health
7 care profession or business.

8 (e) The state of Washington, the department of social and health
9 services, the department of health, and its officers, employees,
10 contractors, and agents are immune from suit for damages based upon
11 its exercise of discretion under this section.

12 (2) A qualified court has jurisdiction to issue a certificate of
13 restoration of opportunity to a qualified applicant.

14 (a) A court must determine, in its discretion whether the
15 certificate:

16 (i) Applies to all past criminal history; or

17 (ii) Applies only to the convictions or adjudications in the
18 jurisdiction of the court.

19 (b) The certificate does not apply to any future criminal justice
20 involvement that occurs after the certificate is issued.

21 (c) A court must determine whether to issue a certificate by
22 determining whether the applicant is a qualified applicant as defined
23 in section 2 of this act.

24 (3) An employer or housing provider may, in its sole discretion,
25 determine whether to consider a certificate of restoration of
26 opportunity issued under this chapter in making employment or rental
27 decisions. Nothing in this section is construed to create a protected
28 class, private right of action, any right, privilege, or duty, or to
29 change any right, privilege, or duty existing under law related to
30 employment or housing except as provided in RCW 7.60.035.

31 (4)(a) Department of social and health services: A certificate of
32 restoration of opportunity does not apply to the state abuse and
33 neglect registry. No finding of abuse, neglect, or misappropriation
34 of property may be removed from the registry based solely on a
35 certificate. The department must include such certificates as part of
36 its criminal history record reports, qualifying letters, or other
37 assessments pursuant to RCW 43.43.830 through 43.43.838.

38 (b) Washington state patrol: The Washington state patrol is not
39 required to remove any records based solely on a certificate of

1 restoration of opportunity. The state patrol must include a
2 certificate as part of its criminal history record report.

3 (c) Court records:

4 (i) A certificate of restoration of opportunity has no effect on
5 any other court records, including records in the judicial
6 information system. The court records related to a certificate of
7 restoration of opportunity must be processed and recorded in the same
8 manner as any other record.

9 (ii) The qualified court where the applicant seeks the
10 certificate of restoration of opportunity must administer the court
11 records regarding the certificate in the same manner as it does
12 regarding all other proceedings.

13 (d) Effect in other judicial proceedings: A certificate of
14 restoration of opportunity may only be submitted to a court to
15 demonstrate that the individual met the specific requirements of this
16 section and not for any other procedure, including evidence of
17 character, reputation, or conduct. A certificate is not an equivalent
18 procedure under Rule of Evidence 609(c).

19 (5) In all cases, an applicant must provide notice to the
20 prosecutor in the county where he or she seeks a certificate of
21 restoration of opportunity of the pendency of such application. If
22 the applicant has been sentenced by any other jurisdiction in the
23 five years preceding the application for a certificate, the applicant
24 must also notify the prosecuting attorney in those jurisdictions. The
25 prosecutor in the county where an applicant applies for a certificate
26 shall provide the court with a report of the applicant's criminal
27 history.

28 (6) Application for a certificate of restoration of opportunity
29 must be filed as a civil action.

30 (7) A superior court in the county in which the applicant resides
31 may decline to consider the application for certificate of
32 restoration of opportunity. If the superior court in which the
33 applicant resides declines to consider the application, the court
34 must dismiss the application without prejudice and the applicant may
35 refile the application in another qualified court. The court must
36 state the reason for the dismissal on the order. If the court
37 determines that the applicant does not meet the required
38 qualifications, then the court must dismiss the application without
39 prejudice and state the reason(s) on the order. The superior court in

1 the county of the applicant's conviction or adjudication may not
2 decline to consider the application.

3 (8) Unless the qualified court determines that a hearing on an
4 application for certificate of restoration is necessary, the court
5 must decide without a hearing whether to grant the certificate of
6 restoration of opportunity based on a review of the application filed
7 by the applicant and pleadings filed by the prosecuting attorney.

8 (9) The clerk of the court in which the certificate of
9 restoration of opportunity is granted shall transmit the certificate
10 of restoration of opportunity to the Washington state patrol
11 identification section, which holds criminal history information for
12 the person who is the subject of the conviction. The Washington state
13 patrol shall update its records to reflect the certificate of
14 restoration of opportunity.

15 (10)(a) The administrative office of the courts shall develop and
16 prepare instructions, forms, and an informational brochure designed
17 to assist applicants applying for a certificate of restoration of
18 opportunity.

19 (b) The instructions must include, at least, a sample of a
20 standard application and a form order for a certificate of
21 restoration of opportunity.

22 (c) The administrative office of the courts shall distribute a
23 master copy of the instructions, informational brochure, and sample
24 application and form order to all county clerks and a master copy of
25 the application and order to all superior courts by January 1, 2016.

26 (d) The administrative office of the courts shall determine the
27 significant non-English-speaking or limited English-speaking
28 populations in the state. The administrator shall then arrange for
29 translation of the instructions, which shall contain a sample of the
30 standard application and order, and the informational brochure into
31 languages spoken by those significant non-English-speaking
32 populations and shall distribute a master copy of the translated
33 instructions and informational brochures to the county clerks by
34 January 1, 2016.

35 (e) The administrative office of the courts shall update the
36 instructions, brochures, standard application and order, and
37 translations when changes in the law make an update necessary.

38 **Sec. 4.** RCW 7.60.035 and 2004 c 165 s 5 are each amended to read
39 as follows:

1 Except as provided in this chapter or otherwise by statute, any
2 person, whether or not a resident of this state, may serve as a
3 receiver, with the exception that a person may not be appointed as a
4 receiver, and shall be replaced as receiver if already appointed, if
5 it should appear to the court that the person:

6 (1) Has been convicted of a felony or other crime involving moral
7 turpitude, except as provided in section 3 of this act, or is
8 controlled by a person who has been convicted of a felony or other
9 crime involving moral turpitude;

10 (2) Is a party to the action, or is a parent, grandparent, child,
11 grandchild, sibling, partner, director, officer, agent, attorney,
12 employee, secured or unsecured creditor or lienor of, or holder of
13 any equity interest in, or controls or is controlled by, the person
14 whose property is to be held by the receiver, or who is the agent or
15 attorney of any disqualified person;

16 (3) Has an interest materially adverse to the interest of persons
17 to be affected by the receivership generally; or

18 (4) Is the sheriff of any county.

19 **Sec. 5.** RCW 9.92.120 and 2011 c 336 s 333 are each amended to
20 read as follows:

21 The conviction of a public officer of any felony or malfeasance
22 in office shall entail, in addition to such other penalty as may be
23 imposed, the forfeiture of his or her office, and shall disqualify
24 him or her from ever afterward holding any public office in this
25 state, except as provided in section 3 of this act.

26 **Sec. 6.** RCW 10.97.030 and 2012 c 125 s 1 are each amended to
27 read as follows:

28 For purposes of this chapter, the definitions of terms in this
29 section shall apply.

30 (1) "Criminal history record information" means information
31 contained in records collected by criminal justice agencies, other
32 than courts, on individuals, consisting of identifiable descriptions
33 and notations of arrests, detentions, indictments, informations, or
34 other formal criminal charges, and any disposition arising therefrom,
35 including acquittals by reason of insanity, dismissals based on lack
36 of competency, sentences, correctional supervision, and release.

37 The term includes any issued certificates of restoration of
38 opportunities and any information contained in records maintained by

1 or obtained from criminal justice agencies, other than courts, which
2 records provide individual identification of a person together with
3 any portion of the individual's record of involvement in the criminal
4 justice system as an alleged or convicted offender, except:

5 (a) Posters, announcements, or lists for identifying or
6 apprehending fugitives or wanted persons;

7 (b) Original records of entry maintained by criminal justice
8 agencies to the extent that such records are compiled and maintained
9 chronologically and are accessible only on a chronological basis;

10 (c) Court indices and records of public judicial proceedings,
11 court decisions, and opinions, and information disclosed during
12 public judicial proceedings;

13 (d) Records of traffic violations which are not punishable by a
14 maximum term of imprisonment of more than ninety days;

15 (e) Records of any traffic offenses as maintained by the
16 department of licensing for the purpose of regulating the issuance,
17 suspension, revocation, or renewal of drivers' or other operators'
18 licenses and pursuant to RCW 46.52.130;

19 (f) Records of any aviation violations or offenses as maintained
20 by the department of transportation for the purpose of regulating
21 pilots or other aviation operators, and pursuant to RCW 47.68.330;

22 (g) Announcements of executive clemency;

23 (h) Intelligence, analytical, or investigative reports and files.

24 (2) "Nonconviction data" consists of all criminal history record
25 information relating to an incident which has not led to a conviction
26 or other disposition adverse to the subject, and for which
27 proceedings are no longer actively pending. There shall be a
28 rebuttable presumption that proceedings are no longer actively
29 pending if more than one year has elapsed since arrest, citation,
30 charge, or service of warrant and no disposition has been entered.

31 (3) "Conviction record" means criminal history record information
32 relating to an incident which has led to a conviction or other
33 disposition adverse to the subject.

34 (4) "Conviction or other disposition adverse to the subject"
35 means any disposition of charges other than: (a) A decision not to
36 prosecute; (b) a dismissal; or (c) acquittal; with the following
37 exceptions, which shall be considered dispositions adverse to the
38 subject: An acquittal due to a finding of not guilty by reason of
39 insanity and a dismissal by reason of incompetency, pursuant to

1 chapter 10.77 RCW; and a dismissal entered after a period of
2 probation, suspension, or deferral of sentence.

3 (5) "Criminal justice agency" means: (a) A court; or (b) a
4 government agency which performs the administration of criminal
5 justice pursuant to a statute or executive order and which allocates
6 a substantial part of its annual budget to the administration of
7 criminal justice.

8 (6) "The administration of criminal justice" means performance of
9 any of the following activities: Detection, apprehension, detention,
10 pretrial release, post-trial release, prosecution, adjudication,
11 correctional supervision, or rehabilitation of accused persons or
12 criminal offenders. The term also includes criminal identification
13 activities and the collection, storage, dissemination of criminal
14 history record information, and the compensation of victims of crime.

15 (7) "Disposition" means the formal conclusion of a criminal
16 proceeding at whatever stage it occurs in the criminal justice
17 system.

18 (8) "Dissemination" means disclosing criminal history record
19 information or disclosing the absence of criminal history record
20 information to any person or agency outside the agency possessing the
21 information, subject to the following exceptions:

22 (a) When criminal justice agencies jointly participate in the
23 maintenance of a single recordkeeping department as an alternative to
24 maintaining separate records, the furnishing of information by that
25 department to personnel of any participating agency is not a
26 dissemination;

27 (b) The furnishing of information by any criminal justice agency
28 to another for the purpose of processing a matter through the
29 criminal justice system, such as a police department providing
30 information to a prosecutor for use in preparing a charge, is not a
31 dissemination;

32 (c) The reporting of an event to a recordkeeping agency for the
33 purpose of maintaining the record is not a dissemination.

34 **Sec. 7.** RCW 14.20.090 and 2010 c 8 s 5012 are each amended to
35 read as follows:

36 The secretary shall refuse to issue an aircraft dealer's license
37 or shall suspend or revoke an aircraft dealer's license whenever he
38 or she has reasonable grounds to believe that the dealer has:

1 (1) Forged or altered any federal certificate, permit, rating, or
2 license relating to ownership and airworthiness of an aircraft;

3 (2) Sold or disposed of an aircraft which he or she knows or has
4 reason to know has been stolen or appropriated without the consent of
5 the owner;

6 (3) Willfully misrepresented any material fact in the application
7 for an aircraft dealer's license, aircraft dealer's certificate, or
8 registration certificate;

9 (4) Willfully withheld or caused to be withheld from a purchaser
10 of an aircraft any document referred to in subsection (1) of this
11 section if applicable, or an affidavit to the effect that there are
12 no liens, mortgages, or encumbrances of any type on the aircraft
13 other than noted thereon, if the document or affidavit has been
14 requested by the purchaser;

15 (5) Suffered or permitted the cancellation of his or her bond or
16 the exhaustion of the penalty thereof;

17 (6) Used an aircraft dealer's certificate for any purpose other
18 than those permitted by this chapter or RCW 47.68.250 and 82.48.100;

19 (7) Except as provided in section 3 of this act, been adjudged
20 guilty of a crime that directly relates to the business of an
21 aircraft dealer and the time elapsed since the conviction is less
22 than ten years, or had a judgment entered against the dealer within
23 the preceding five years in any civil action involving fraud,
24 misrepresentation, or conversion. For the purpose of this section,
25 the term "adjudged guilty" means, in addition to a final conviction
26 in either a state or municipal court, an unvacated forfeiture of bail
27 or collateral deposited to secure a defendant's appearance in court,
28 the payment of a fine, a plea of guilty, or a finding of guilt
29 regardless of whether the imposition of the sentence is deferred or
30 the penalty is suspended.

31 **Sec. 8.** RCW 18.04.295 and 2004 c 159 s 4 are each amended to
32 read as follows:

33 The board shall have the power to: Revoke, suspend, or refuse to
34 issue, renew, or reinstate a license or certificate; impose a fine in
35 an amount not to exceed thirty thousand dollars plus the board's
36 investigative and legal costs in bringing charges against a certified
37 public accountant, a certificate holder, a licensee, a licensed firm,
38 an applicant, a non-CPA violating the provisions of RCW 18.04.345, or
39 a nonlicensee holding an ownership interest in a licensed firm; may

1 impose full restitution to injured parties; may impose conditions
2 precedent to renewal of a certificate or a license; or may prohibit a
3 nonlicensee from holding an ownership interest in a licensed firm,
4 for any of the following causes:

5 (1) Fraud or deceit in obtaining a license, or in any filings
6 with the board;

7 (2) Dishonesty, fraud, or negligence while representing oneself
8 as a nonlicensee owner holding an ownership interest in a licensed
9 firm, a licensee, or a certificate holder;

10 (3) A violation of any provision of this chapter;

11 (4) A violation of a rule of professional conduct promulgated by
12 the board under the authority granted by this chapter;

13 (5) Except as provided in section 3 of this act, conviction of a
14 crime or an act constituting a crime under:

15 (a) The laws of this state;

16 (b) The laws of another state, and which, if committed within
17 this state, would have constituted a crime under the laws of this
18 state; or

19 (c) Federal law;

20 (6) Cancellation, revocation, suspension, or refusal to renew the
21 authority to practice as a certified public accountant by any other
22 state for any cause other than failure to pay a fee or to meet the
23 requirements of CPE in the other state;

24 (7) Suspension or revocation of the right to practice matters
25 relating to public accounting before any state or federal agency;

26 For purposes of subsections (6) and (7) of this section, a
27 certified copy of such revocation, suspension, or refusal to renew
28 shall be prima facie evidence;

29 (8) Failure to maintain compliance with the requirements for
30 issuance, renewal, or reinstatement of a certificate or license, or
31 to report changes to the board;

32 (9) Failure to cooperate with the board by:

33 (a) Failure to furnish any papers or documents requested or
34 ordered by the board;

35 (b) Failure to furnish in writing a full and complete explanation
36 covering the matter contained in the complaint filed with the board
37 or the inquiry of the board;

38 (c) Failure to respond to subpoenas issued by the board, whether
39 or not the recipient of the subpoena is the accused in the
40 proceeding;

1 (10) Failure by a nonlicensee owner of a licensed firm to comply
2 with the requirements of this chapter or board rule; and

3 (11) Failure to comply with an order of the board.

4 **Sec. 9.** RCW 9.96A.020 and 2009 c 396 s 7 are each amended to
5 read as follows:

6 (1) Subject to the exceptions in subsections (3) through (5) of
7 this section, and unless there is another provision of law to the
8 contrary, a person is not disqualified from employment by the state
9 of Washington or any of its counties, cities, towns, municipal
10 corporations, or quasi-municipal corporations, nor is a person
11 disqualified to practice, pursue or engage in any occupation, trade,
12 vocation, or business for which a license, permit, certificate or
13 registration is required to be issued by the state of Washington or
14 any of its counties, cities, towns, municipal corporations, or quasi-
15 municipal corporations solely because of a prior conviction of a
16 felony. However, this section does not preclude the fact of any prior
17 conviction of a crime from being considered.

18 (2) A person may be denied employment by the state of Washington
19 or any of its counties, cities, towns, municipal corporations, or
20 quasi-municipal corporations, or a person may be denied a license,
21 permit, certificate or registration to pursue, practice or engage in
22 an occupation, trade, vocation, or business by reason of the prior
23 conviction of a felony if the felony for which he or she was
24 convicted directly relates to the position of employment sought or to
25 the specific occupation, trade, vocation, or business for which the
26 license, permit, certificate or registration is sought, and the time
27 elapsed since the conviction is less than ten years, except as
28 provided in section 3 of this act. However, for positions in the
29 county treasurer's office, a person may be disqualified from
30 employment because of a prior guilty plea or conviction of a felony
31 involving embezzlement or theft, even if the time elapsed since the
32 guilty plea or conviction is ten years or more, except as provided in
33 section 3 of this act.

34 (3) A person is disqualified for any certificate required or
35 authorized under chapters 28A.405 or 28A.410 RCW, because of a prior
36 guilty plea or the conviction of a felony crime specified under RCW
37 28A.400.322, even if the time elapsed since the guilty plea or
38 conviction is ten years or more, except as provided in section 3 of
39 this act.

1 (4) A person is disqualified from employment by school districts,
2 educational service districts, and their contractors hiring employees
3 who will have regularly scheduled unsupervised access to children,
4 because of a prior guilty plea or conviction of a felony crime
5 specified under RCW 28A.400.322, even if the time elapsed since the
6 guilty plea or conviction is ten years or more, except as provided in
7 section 3 of this act.

8 (5) The provisions of this chapter do not apply to issuance of
9 licenses or credentials for professions regulated under chapter
10 18.130 RCW.

11 (6) Subsections (3) and (4) of this section as they pertain to
12 felony crimes specified under RCW 28A.400.322(1) apply to a person
13 applying for a certificate or for employment on or after July 25,
14 1993, and before July 26, 2009. Subsections (3) and (4) of this
15 section as they pertain to all felony crimes specified under RCW
16 28A.400.322(2) apply to a person applying for a certificate or for
17 employment on or after July 26, 2009. Subsection (5) of this section
18 only applies to a person applying for a license or credential on or
19 after June 12, 2008.

20 **Sec. 10.** RCW 9.96A.050 and 1973 c 135 s 5 are each amended to
21 read as follows:

22 Except as provided in section 3 of this act, the provisions of
23 this chapter shall prevail over any other provisions of law which
24 purport to govern the denial of licenses, permits, certificates,
25 registrations, or other means to engage in a business, on the grounds
26 of a lack of good moral character, or which purport to govern the
27 suspension or revocation of such a license, permit, certificate, or
28 registration on the grounds of conviction of a crime.

29 **Sec. 11.** RCW 18.11.160 and 2002 c 86 s 209 are each amended to
30 read as follows:

31 (1) Except as provided in section 3 of this act, no license shall
32 be issued by the department to any person who has been convicted of
33 forgery, embezzlement, obtaining money under false pretenses,
34 extortion, criminal conspiracy, fraud, theft, receiving stolen goods,
35 unlawful issuance of checks or drafts, or other similar offense, or
36 to any partnership of which the person is a member, or to any
37 association or corporation of which the person is an officer or in

1 which as a stockholder the person has or exercises a controlling
2 interest either directly or indirectly.

3 (2) In addition to the unprofessional conduct described in RCW
4 18.235.130, the director has the authority to take disciplinary
5 action for any of the following conduct, acts, or conditions:

6 (a) Underreporting to the department of sales figures so that the
7 auctioneer or auction company surety bond is in a lower amount than
8 required by law;

9 (b) Nonpayment of an administrative fine prior to renewal of a
10 license; and

11 (c) Any other violations of this chapter.

12 (3) The department shall immediately suspend the license of a
13 person who has been certified pursuant to RCW 74.20A.320 by the
14 department of social and health services as a person who is not in
15 compliance with a support order. If the person has continued to meet
16 all other requirements for reinstatement during the suspension,
17 reissuance of the license shall be automatic upon the department's
18 receipt of a release issued by the department of social and health
19 services stating that the licensee is in compliance with the order.

20 **Sec. 12.** RCW 18.20.125 and 2012 c 164 s 504 are each amended to
21 read as follows:

22 (1) Inspections must be outcome based and responsive to resident
23 complaints and based on a clear set of health, quality of care, and
24 safety standards that are easily understandable and have been made
25 available to facilities, residents, and other interested parties.
26 This includes that when conducting licensing inspections, the
27 department shall interview an appropriate percentage of residents,
28 family members, and advocates in addition to interviewing appropriate
29 staff.

30 (2) Prompt and specific enforcement remedies shall also be
31 implemented without delay, consistent with RCW 18.20.190, for
32 facilities found to have delivered care or failed to deliver care
33 resulting in problems that are serious, recurring, or uncorrected, or
34 that create a hazard that is causing or likely to cause death or
35 serious harm to one or more residents. These enforcement remedies may
36 also include, when appropriate, reasonable conditions on a license.
37 In the selection of remedies, the safety, health, and well-being of
38 residents shall be of paramount importance.

1 (3)(a) To the extent funding is available, the licensee,
2 administrator, and their staff should be screened through background
3 checks in a uniform and timely manner to ensure that they do not have
4 a criminal history that would disqualify them from working with
5 vulnerable adults. Employees may be provisionally hired pending the
6 results of the background check if they have been given three
7 positive references.

8 (b) Long-term care workers, as defined in RCW 74.39A.009, who are
9 hired after January 7, 2012, are subject to background checks under
10 RCW 74.39A.056.

11 (4) Except as provided in section 3 of this act, no licensee,
12 administrator, or staff, or prospective licensee, administrator, or
13 staff, with a stipulated finding of fact, conclusion of law, and
14 agreed order, or finding of fact, conclusion of law, or final order
15 issued by a disciplining authority, a court of law, or entered into
16 the state registry finding him or her guilty of abuse, neglect,
17 exploitation, or abandonment of a minor or a vulnerable adult as
18 defined in chapter 74.34 RCW shall be employed in the care of and
19 have unsupervised access to vulnerable adults.

20 **Sec. 13.** RCW 18.39.410 and 2005 c 365 s 24 are each amended to
21 read as follows:

22 In addition to the unprofessional conduct described in RCW
23 18.235.130, the board may take disciplinary action and may impose any
24 of the sanctions specified in RCW 18.235.110 for the following
25 conduct, acts, or conditions, except as provided in section 3 of this
26 act:

27 (1) Solicitation of human remains by a licensee, registrant,
28 endorsement, or permit holder, or agent, assistant, or employee of
29 the licensee, registrant, endorsement, or permit holder whether the
30 solicitation occurs after death or while death is impending. This
31 chapter does not prohibit general advertising or the sale of
32 prearrangement funeral service contracts;

33 (2) Solicitation may include employment of solicitors, payment of
34 commission, bonus, rebate, or any form of gratuity or payment of a
35 finders fee, referral fee, or other consideration given for the
36 purpose of obtaining or providing the services for human remains or
37 where death is impending;

38 (3) Acceptance by a licensee, registrant, endorsement, or permit
39 holder or other employee of a funeral establishment of a commission,

1 bonus, rebate, or gratuity in consideration of directing business to
2 a cemetery, crematory, mausoleum, columbarium, florist, or other
3 person providing goods and services to the disposition of human
4 remains;

5 (4) Using a casket or part of a casket that has previously been
6 used as a receptacle for, or in connection with, the burial or other
7 disposition of human remains without the written consent of the
8 person lawfully entitled to control the disposition of remains of the
9 deceased person in accordance with RCW 68.50.160. This subsection
10 does not prohibit the use of rental caskets, such as caskets of which
11 the outer shell portion is rented and the inner insert that contains
12 the human remains is purchased and used for the disposition, that are
13 disclosed as such in the statement of funeral goods and services;

14 (5) Violation of a state law, municipal law, or county ordinance
15 or regulation affecting the handling, custody, care, transportation,
16 or disposition of human remains, except as provided in section 3 of
17 this act;

18 (6) Refusing to promptly surrender the custody of human remains
19 upon the expressed order of the person lawfully entitled to its
20 custody under RCW 68.50.160;

21 (7) Selling, or offering for sale, a share, certificate, or an
22 interest in the business of a funeral establishment, or in a
23 corporation, firm, or association owning or operating a funeral
24 establishment that promises or purports to give to purchasers a right
25 to the services of a licensee, registrant, endorsement, or permit
26 holder at a charge or cost less than offered or given to the public;

27 (8) Violation of any state or federal statute or administrative
28 ruling relating to funeral practice, except as provided in section 3
29 of this act;

30 (9) Knowingly concealing information concerning a violation of
31 this title.

32 **Sec. 14.** RCW 18.44.241 and 2000 c 171 s 12 are each amended to
33 read as follows:

34 The following criteria will be considered by the director when
35 deciding whether to grant a licensed escrow agent a waiver from the
36 errors and omissions policy requirement under RCW 18.44.201:

37 (1) Whether the director has determined pursuant to RCW 18.44.221
38 that an errors and omissions policy is not reasonably available to a
39 substantial number of licensed escrow agents;

1 (2) Whether purchasing an errors and omissions policy would be
2 cost-prohibitive for the licensed escrow agent requesting the
3 exemption;

4 (3) Whether a licensed escrow agent has willfully violated the
5 provisions of chapter 18.44 RCW, which violation thereby resulted in
6 the termination of the agent's certificate, or engaged in any other
7 conduct resulting in the termination of the escrow certificate;

8 (4) Whether a licensed escrow agent has paid claims directly or
9 through an errors and omissions carrier, exclusive of costs and
10 attorney fees, in excess of ten thousand dollars in the calendar year
11 preceding the year for which the waiver is requested;

12 (5) Whether a licensed escrow agent has paid claims directly or
13 through an errors or omissions insurance carrier, exclusive of costs
14 and attorney fees, totaling in excess of twenty thousand dollars in
15 the three calendar years preceding the calendar year for which the
16 exemption is requested; and

17 (6) Whether the licensed escrow agent has been convicted of a
18 crime involving honesty or moral turpitude, except as provided in
19 section 3 of this act.

20 These criteria are not intended to be a wholly inclusive list of
21 factors to be applied by the director when considering the merits of
22 a licensed escrow agent's request for a waiver of the required errors
23 and omissions policy.

24 **Sec. 15.** RCW 18.44.311 and 2010 c 34 s 4 are each amended to
25 read as follows:

26 (1) A licensed escrow agent may not directly or indirectly employ
27 a person who will be handling escrow transactions who has been
28 convicted of, or pled guilty or nolo contendere to, a felony or a
29 gross misdemeanor involving dishonesty within the last seven years,
30 except as provided in section 3 of this act.

31 (2) A licensed escrow agent may not directly or indirectly employ
32 a person who receives money for trust accounts, disburses funds, or
33 acts as a signatory on trust accounts if the person has shown a
34 disregard in the management of his or her financial condition in the
35 last three years.

36 (3) The director may adopt rules to implement this section.

37 **Sec. 16.** RCW 18.52.071 and 1996 c 271 s 1 are each amended to
38 read as follows:

1 The department shall issue a license to any person applying for a
2 nursing home administrator's license who meets the following
3 requirements:

4 (1) Successful completion of the requirements for a baccalaureate
5 degree from a recognized institution of higher learning and any
6 federal requirements;

7 (2) Successful completion of a practical experience requirement
8 as determined by the board;

9 (3) Successful completion of examinations administered or
10 approved by the board, or both, which shall be designed to test the
11 candidate's competence to administer a nursing home;

12 (4) At least twenty-one years of age; and

13 (5) Not having engaged in unprofessional conduct as defined in
14 RCW 18.130.180, except as provided in section 3 of this act, or being
15 unable to practice with reasonable skill and safety as defined in RCW
16 18.130.170. The board shall establish by rule what constitutes
17 adequate proof of meeting the above requirements.

18 A limited license indicating the limited extent of authority to
19 administer institutions conducted by and for those who rely upon
20 treatment by prayer or spiritual means in accordance with the creed
21 or tenets of any well-recognized church or religious denomination
22 shall be issued to individuals demonstrating membership in such
23 church or denomination. However, nothing in this chapter shall be
24 construed to require an applicant employed by such institution to
25 demonstrate proficiency in any medical techniques or to meet any
26 medical educational qualifications or medical standards not in accord
27 with the remedial care and treatment provided in such institutions.

28 **Sec. 17.** RCW 43.43.842 and 2014 c 88 s 1 are each amended to
29 read as follows:

30 (1)(a) The secretary of social and health services and the
31 secretary of health shall adopt additional requirements for the
32 licensure or relicensure of agencies, facilities, and licensed
33 individuals who provide care and treatment to vulnerable adults,
34 including nursing pools registered under chapter 18.52C RCW. These
35 additional requirements shall ensure that any person associated with
36 a licensed agency or facility having unsupervised access with a
37 vulnerable adult shall not be the respondent in an active protective
38 order under RCW 74.34.130, nor have been: (i) Convicted of a crime
39 against persons as defined in RCW 43.43.830, except as provided in

1 this section or except as provided in section 3 of this act; (ii)
2 convicted of crimes relating to financial exploitation as defined in
3 RCW 43.43.830, except as provided in this section or except as
4 provided in section 3 of this act; or (iii) found in any disciplinary
5 board final decision to have abused a vulnerable adult under RCW
6 43.43.830.

7 (b) A person associated with a licensed agency or facility who
8 has unsupervised access with a vulnerable adult shall make the
9 disclosures specified in RCW 43.43.834(2). The person shall make the
10 disclosures in writing, sign, and swear to the contents under penalty
11 of perjury. The person shall, in the disclosures, specify all crimes
12 against children or other persons, all crimes relating to financial
13 exploitation, and all crimes relating to drugs as defined in RCW
14 43.43.830, committed by the person.

15 (2) Except as provided in section 3 of this act, the rules
16 adopted under this section shall permit the licensee to consider the
17 criminal history of an applicant for employment in a licensed
18 facility when the applicant has one or more convictions for a past
19 offense and:

20 (a) The offense was simple assault, assault in the fourth degree,
21 or the same offense as it may be renamed, and three or more years
22 have passed between the most recent conviction and the date of
23 application for employment;

24 (b) The offense was prostitution, or the same offense as it may
25 be renamed, and three or more years have passed between the most
26 recent conviction and the date of application for employment;

27 (c) The offense was theft in the third degree, or the same
28 offense as it may be renamed, and three or more years have passed
29 between the most recent conviction and the date of application for
30 employment;

31 (d) The offense was theft in the second degree, or the same
32 offense as it may be renamed, and five or more years have passed
33 between the most recent conviction and the date of application for
34 employment;

35 (e) The offense was forgery, or the same offense as it may be
36 renamed, and five or more years have passed between the most recent
37 conviction and the date of application for employment;

38 (f) The department of social and health services reviewed the
39 employee's otherwise disqualifying criminal history through the
40 department of social and health services' background assessment

1 review team process conducted in 2002, and determined that such
2 employee could remain in a position covered by this section; or

3 (g) The otherwise disqualifying conviction or disposition has
4 been the subject of a pardon, annulment, or other equivalent
5 procedure.

6 The offenses set forth in (a) through (g) of this subsection do
7 not automatically disqualify an applicant from employment by a
8 licensee. Nothing in this section may be construed to require the
9 employment of any person against a licensee's judgment.

10 (3) In consultation with law enforcement personnel, the secretary
11 of social and health services and the secretary of health shall
12 investigate, or cause to be investigated, the conviction record and
13 the protection proceeding record information under this chapter of
14 the staff of each agency or facility under their respective
15 jurisdictions seeking licensure or relicensure. An individual
16 responding to a criminal background inquiry request from his or her
17 employer or potential employer shall disclose the information about
18 his or her criminal history under penalty of perjury. The secretaries
19 shall use the information solely for the purpose of determining
20 eligibility for licensure or relicensure. Criminal justice agencies
21 shall provide the secretaries such information as they may have and
22 that the secretaries may require for such purpose.

23 **Sec. 18.** RCW 18.64.165 and 2013 c 19 s 14 are each amended to
24 read as follows:

25 The commission shall have the power to refuse, suspend, or revoke
26 the license of any manufacturer, wholesaler, pharmacy, shopkeeper,
27 itinerant vendor, peddler, poison distributor, health care entity, or
28 precursor chemical distributor upon proof that:

29 (1) The license was procured through fraud, misrepresentation, or
30 deceit;

31 (2) Except as provided in section 3 of this act, the licensee has
32 violated or has permitted any employee to violate any of the laws of
33 this state or the United States relating to drugs, controlled
34 substances, cosmetics, or nonprescription drugs, or has violated any
35 of the rules and regulations of the commission or has been convicted
36 of a felony.

37 **Sec. 19.** RCW 18.88B.080 and 2012 c 164 s 501 are each amended to
38 read as follows:

1 A long-term care worker disqualified from working with vulnerable
2 persons under chapter 74.39A RCW may not be certified or maintain
3 certification as a home care aide under this chapter, except as
4 provided in section 3 of this act. To allow the department to satisfy
5 its certification responsibilities under this chapter, the department
6 of social and health services shall share the results of state and
7 federal background checks conducted pursuant to RCW 74.39A.056 with
8 the department. Neither department may share the federal background
9 check results with any other state agency or person.

10 **Sec. 20.** RCW 18.108.085 and 2012 c 137 s 14 are each amended to
11 read as follows:

12 (1) In addition to any other authority provided by law, the
13 secretary may:

14 (a) Adopt rules, in accordance with chapter 34.05 RCW necessary
15 to implement this chapter;

16 (b) Set all license, certification, examination, and renewal fees
17 in accordance with RCW 43.70.250;

18 (c) Establish forms and procedures necessary to administer this
19 chapter;

20 (d) Issue a massage practitioner's license to any applicant who
21 has met the education, training, and examination requirements for
22 licensure and deny licensure to applicants who do not meet the
23 requirements of this chapter;

24 (e) Issue a reflexology certification to any applicant who has
25 met the requirements for certification and deny certification to
26 applicants who do not meet the requirements of this chapter; and

27 (f) Hire clerical, administrative, and investigative staff as
28 necessary to implement this chapter.

29 (2) The Uniform Disciplinary Act, chapter 18.130 RCW, governs
30 unlicensed and uncertified practice, the issuance and denial of
31 licenses and certifications, and the disciplining of persons under
32 this chapter. The secretary shall be the disciplining authority under
33 this chapter.

34 (3) Any license or certification issued under this chapter to a
35 person who is or has been convicted of violating RCW 9A.88.030,
36 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local ordinances
37 shall automatically be revoked by the secretary upon receipt of a
38 certified copy of the court documents reflecting such conviction,
39 except as provided in section 3 of this act. No further hearing or

1 procedure is required, and the secretary has no discretion with
2 regard to the revocation of the license or certification. The
3 revocation shall be effective even though such conviction may be
4 under appeal, or the time period for such appeal has not elapsed.
5 However, upon presentation of a final appellate decision overturning
6 such conviction, the license or certification shall be reinstated,
7 unless grounds for disciplinary action have been found under chapter
8 18.130 RCW. No license or certification may be granted under this
9 chapter to any person who has been convicted of violating RCW
10 9A.88.030, 9A.88.070, 9A.88.080, or 9A.88.090 or equivalent local
11 ordinances within the eight years immediately preceding the date of
12 application, except as provided in section 3 of this act. For
13 purposes of this subsection, "convicted" does not include a
14 conviction that has been the subject of a pardon, annulment, or other
15 equivalent procedure based on a finding of innocence, but does
16 include convictions for offenses for which the defendant received a
17 deferred or suspended sentence, unless the record has been expunged
18 according to law.

19 (4) The secretary shall keep an official record of all
20 proceedings under this chapter, a part of which record shall consist
21 of a register of all applicants for licensure or certification under
22 this chapter, with the result of each application.

23 **Sec. 21.** RCW 18.130.055 and 2008 c 134 s 19 are each amended to
24 read as follows:

25 (1) The disciplining authority may deny an application for
26 licensure or grant a license with conditions if the applicant:

27 (a) Has had his or her license to practice any health care
28 profession suspended, revoked, or restricted, by competent authority
29 in any state, federal, or foreign jurisdiction;

30 (b) Has committed any act defined as unprofessional conduct for a
31 license holder under RCW 18.130.180, except as provided in section 3
32 of this act;

33 (c) Has been convicted or is subject to current prosecution or
34 pending charges of a crime involving moral turpitude or a crime
35 identified in RCW 43.43.830, except as provided in section 3 of this
36 act. For purposes of this section, conviction includes all instances
37 in which a plea of guilty or nolo contendere is the basis for the
38 conviction and all proceedings in which the prosecution or sentence
39 has been deferred or suspended. At the request of an applicant for an

1 original license whose conviction is under appeal, the disciplining
2 authority may defer decision upon the application during the pendency
3 of such a prosecution or appeal;

4 (d) Fails to prove that he or she is qualified in accordance with
5 the provisions of this chapter, the chapters identified in RCW
6 18.130.040(2), or the rules adopted by the disciplining authority; or

7 (e) Is not able to practice with reasonable skill and safety to
8 consumers by reason of any mental or physical condition.

9 (i) The disciplining authority may require the applicant, at his
10 or her own expense, to submit to a mental, physical, or psychological
11 examination by one or more licensed health professionals designated
12 by the disciplining authority. The disciplining authority shall
13 provide written notice of its requirement for a mental or physical
14 examination that includes a statement of the specific conduct, event,
15 or circumstances justifying an examination and a statement of the
16 nature, purpose, scope, and content of the intended examination. If
17 the applicant fails to submit to the examination or provide the
18 results of the examination or any required waivers, the disciplining
19 authority may deny the application.

20 (ii) An applicant governed by this chapter is deemed to have
21 given consent to submit to a mental, physical, or psychological
22 examination when directed in writing by the disciplining authority
23 and further to have waived all objections to the admissibility or use
24 of the examining health professional's testimony or examination
25 reports by the disciplining authority on the grounds that the
26 testimony or reports constitute privileged communications.

27 (2) The provisions of RCW 9.95.240 and chapter 9.96A RCW do not
28 apply to a decision to deny a license under this section.

29 (3) The disciplining authority shall give written notice to the
30 applicant of the decision to deny a license or grant a license with
31 conditions in response to an application for a license. The notice
32 must state the grounds and factual basis for the action and be served
33 upon the applicant.

34 (4) A license applicant who is aggrieved by the decision to deny
35 the license or grant the license with conditions has the right to an
36 adjudicative proceeding. The application for adjudicative proceeding
37 must be in writing, state the basis for contesting the adverse
38 action, include a copy of the adverse notice, and be served on and
39 received by the department within twenty-eight days of the decision.
40 The license applicant has the burden to establish, by a preponderance

1 of evidence, that the license applicant is qualified in accordance
2 with the provisions of this chapter, the chapters identified in RCW
3 18.130.040(2), and the rules adopted by the disciplining authority.

4 **Sec. 22.** RCW 18.130.050 and 2013 c 109 s 1 and 2013 c 86 s 2 are
5 each reenacted and amended to read as follows:

6 Except as provided in RCW 18.130.062, the disciplining authority
7 has the following authority:

8 (1) To adopt, amend, and rescind such rules as are deemed
9 necessary to carry out this chapter;

10 (2) To investigate all complaints or reports of unprofessional
11 conduct as defined in this chapter;

12 (3) To hold hearings as provided in this chapter;

13 (4) To issue subpoenas and administer oaths in connection with
14 any investigation, consideration of an application for license,
15 hearing, or proceeding held under this chapter;

16 (5) To take or cause depositions to be taken and use other
17 discovery procedures as needed in any investigation, hearing, or
18 proceeding held under this chapter;

19 (6) To compel attendance of witnesses at hearings;

20 (7) In the course of investigating a complaint or report of
21 unprofessional conduct, to conduct practice reviews and to issue
22 citations and assess fines for failure to produce documents, records,
23 or other items in accordance with RCW 18.130.230;

24 (8) To take emergency action ordering summary suspension of a
25 license, or restriction or limitation of the license holder's
26 practice pending proceedings by the disciplining authority. Within
27 fourteen days of a request by the affected license holder, the
28 disciplining authority must provide a show cause hearing in
29 accordance with the requirements of RCW 18.130.135. In addition to
30 the authority in this subsection, a disciplining authority shall,
31 except as provided in section 3 of this act:

32 (a) Consistent with RCW 18.130.370, issue a summary suspension of
33 the license or temporary practice permit of a license holder
34 prohibited from practicing a health care profession in another state,
35 federal, or foreign jurisdiction because of an act of unprofessional
36 conduct that is substantially equivalent to an act of unprofessional
37 conduct prohibited by this chapter or any of the chapters specified
38 in RCW 18.130.040. The summary suspension remains in effect until

1 proceedings by the Washington disciplining authority have been
2 completed;

3 (b) Consistent with RCW 18.130.400, issue a summary suspension of
4 the license or temporary practice permit if, under RCW 74.39A.051,
5 the license holder is prohibited from employment in the care of
6 vulnerable adults based upon a department of social and health
7 services' final finding of abuse or neglect of a minor or abuse,
8 abandonment, neglect, or financial exploitation of a vulnerable
9 adult. The summary suspension remains in effect until proceedings by
10 the disciplining authority have been completed;

11 (9) To conduct show cause hearings in accordance with RCW
12 18.130.062 or 18.130.135 to review an action taken by the
13 disciplining authority to suspend a license or restrict or limit a
14 license holder's practice pending proceedings by the disciplining
15 authority;

16 (10) To use a presiding officer as authorized in RCW
17 18.130.095(3) or the office of administrative hearings as authorized
18 in chapter 34.12 RCW to conduct hearings. Disciplining authorities
19 identified in RCW 18.130.040(2) shall make the final decision
20 regarding disposition of the license unless the disciplining
21 authority elects to delegate in writing the final decision to the
22 presiding officer. Disciplining authorities identified in RCW
23 18.130.040(2)(b) may not delegate the final decision regarding
24 disposition of the license or imposition of sanctions to a presiding
25 officer in any case pertaining to standards of practice or where
26 clinical expertise is necessary, including deciding any motion that
27 results in dismissal of any allegation contained in the statement of
28 charges. Presiding officers acting on behalf of the secretary shall
29 enter initial orders. The secretary may, by rule, provide that
30 initial orders in specified classes of cases may become final without
31 further agency action unless, within a specified time period:

32 (a) The secretary upon his or her own motion determines that the
33 initial order should be reviewed; or

34 (b) A party to the proceedings files a petition for
35 administrative review of the initial order;

36 (11) To use individual members of the boards to direct
37 investigations and to authorize the issuance of a citation under
38 subsection (7) of this section. However, the member of the board
39 shall not subsequently participate in the hearing of the case;

1 (12) To enter into contracts for professional services determined
2 to be necessary for adequate enforcement of this chapter;

3 (13) To contract with license holders or other persons or
4 organizations to provide services necessary for the monitoring and
5 supervision of license holders who are placed on probation, whose
6 professional activities are restricted, or who are for any authorized
7 purpose subject to monitoring by the disciplining authority;

8 (14) To adopt standards of professional conduct or practice;

9 (15) To grant or deny license applications, and in the event of a
10 finding of unprofessional conduct by an applicant or license holder,
11 to impose any sanction against a license applicant or license holder
12 provided by this chapter. After January 1, 2009, all sanctions must
13 be issued in accordance with RCW 18.130.390;

14 (16) To restrict or place conditions on the practice of new
15 licensees in order to protect the public and promote the safety of
16 and confidence in the health care system;

17 (17) To designate individuals authorized to sign subpoenas and
18 statements of charges;

19 (18) To establish panels consisting of three or more members of
20 the board to perform any duty or authority within the board's
21 jurisdiction under this chapter;

22 (19) To review and audit the records of licensed health
23 facilities' or services' quality assurance committee decisions in
24 which a license holder's practice privilege or employment is
25 terminated or restricted. Each health facility or service shall
26 produce and make accessible to the disciplining authority the
27 appropriate records and otherwise facilitate the review and audit.
28 Information so gained shall not be subject to discovery or
29 introduction into evidence in any civil action pursuant to RCW
30 70.41.200(3).

31 **Sec. 23.** RCW 18.235.110 and 2007 c 256 s 18 are each amended to
32 read as follows:

33 (1) Upon finding unprofessional conduct, except as provided in
34 section 3 of this act, the disciplinary authority may issue an order
35 providing for one or any combination of the following:

36 (a) Revocation of the license for an interval of time;

37 (b) Suspension of the license for a fixed or indefinite term;

38 (c) Restriction or limitation of the practice;

1 (d) Satisfactory completion of a specific program of remedial
2 education or treatment;

3 (e) Monitoring of the practice in a manner directed by the
4 disciplinary authority;

5 (f) Censure or reprimand;

6 (g) Compliance with conditions of probation for a designated
7 period of time;

8 (h) Payment of a fine for each violation found by the
9 disciplinary authority, not to exceed five thousand dollars per
10 violation. The disciplinary authority must consider aggravating or
11 mitigating circumstances in assessing any fine. Funds received must
12 be deposited in the related program account;

13 (i) Denial of an initial or renewal license application for an
14 interval of time; or

15 (j) Other corrective action.

16 (2) The disciplinary authority may require reimbursement to the
17 disciplinary authority for the investigative costs incurred in
18 investigating the matter that resulted in issuance of an order under
19 this section, but only if any of the sanctions in subsection (1)(a)
20 through (j) of this section is ordered.

21 (3) Any of the actions under this section may be totally or
22 partly stayed by the disciplinary authority. In determining what
23 action is appropriate, the disciplinary authority must first consider
24 what sanctions are necessary to protect the public health, safety, or
25 welfare. Only after these provisions have been made may the
26 disciplinary authority consider and include in the order requirements
27 designed to rehabilitate the license holder or applicant. All costs
28 associated with compliance with orders issued under this section are
29 the obligation of the license holder or applicant.

30 (4) The licensee or applicant may enter into a stipulated
31 disposition of charges that includes one or more of the sanctions of
32 this section, but only after a statement of charges has been issued
33 and the licensee has been afforded the opportunity for a hearing and
34 has elected on the record to forego such a hearing. The stipulation
35 shall either contain one or more specific findings of unprofessional
36 conduct or a statement by the licensee acknowledging that evidence is
37 sufficient to justify one or more specified findings of
38 unprofessional conduct. The stipulations entered into under this
39 subsection are considered formal disciplinary action for all
40 purposes.

1 **Sec. 24.** RCW 18.145.120 and 1995 c 27 s 11 are each amended to
2 read as follows:

3 (1) Upon receipt of complaints against court reporters, the
4 director shall investigate and evaluate the complaint to determine if
5 disciplinary action is appropriate. The director shall hold
6 disciplinary hearings pursuant to chapter 34.05 RCW.

7 (2) After a hearing conducted under chapter 34.05 RCW and upon a
8 finding that a certificate holder or applicant has committed
9 unprofessional conduct or is unable to practice with reasonable skill
10 and safety due to a physical or mental condition, except as provided
11 in section 3 of this act, the director may issue an order providing
12 for one or any combination of the following:

- 13 (a) Revocation of the certification;
- 14 (b) Suspension of the certificate for a fixed or indefinite term;
- 15 (c) Restriction or limitation of the practice;
- 16 (d) Requiring the satisfactory completion of a specific program
17 or remedial education;
- 18 (e) The monitoring of the practice by a supervisor approved by
19 the director;
- 20 (f) Censure or reprimand;
- 21 (g) Compliance with conditions of probation for a designated
22 period of time;
- 23 (h) Denial of the certification request;
- 24 (i) Corrective action;
- 25 (j) Refund of fees billed to or collected from the consumer.

26 Any of the actions under this section may be totally or partly
27 stayed by the director. In determining what action is appropriate,
28 the director shall consider sanctions necessary to protect the
29 public, after which the director may consider and include in the
30 order requirements designed to rehabilitate the certificate holder or
31 applicant. All costs associated with compliance to orders issued
32 under this section are the obligation of the certificate holder or
33 applicant.

34 **Sec. 25.** RCW 9.94A.030 and 2012 c 143 s 1 are each amended to
35 read as follows:

36 Unless the context clearly requires otherwise, the definitions in
37 this section apply throughout this chapter.

38 (1) "Board" means the indeterminate sentence review board created
39 under chapter 9.95 RCW.

1 (2) "Collect," or any derivative thereof, "collect and remit," or
2 "collect and deliver," when used with reference to the department,
3 means that the department, either directly or through a collection
4 agreement authorized by RCW 9.94A.760, is responsible for monitoring
5 and enforcing the offender's sentence with regard to the legal
6 financial obligation, receiving payment thereof from the offender,
7 and, consistent with current law, delivering daily the entire payment
8 to the superior court clerk without depositing it in a departmental
9 account.

10 (3) "Commission" means the sentencing guidelines commission.

11 (4) "Community corrections officer" means an employee of the
12 department who is responsible for carrying out specific duties in
13 supervision of sentenced offenders and monitoring of sentence
14 conditions.

15 (5) "Community custody" means that portion of an offender's
16 sentence of confinement in lieu of earned release time or imposed as
17 part of a sentence under this chapter and served in the community
18 subject to controls placed on the offender's movement and activities
19 by the department.

20 (6) "Community protection zone" means the area within eight
21 hundred eighty feet of the facilities and grounds of a public or
22 private school.

23 (7) "Community restitution" means compulsory service, without
24 compensation, performed for the benefit of the community by the
25 offender.

26 (8) "Confinement" means total or partial confinement.

27 (9) "Conviction" means an adjudication of guilt pursuant to Title
28 10 or 13 RCW and includes a verdict of guilty, a finding of guilty,
29 and acceptance of a plea of guilty.

30 (10) "Crime-related prohibition" means an order of a court
31 prohibiting conduct that directly relates to the circumstances of the
32 crime for which the offender has been convicted, and shall not be
33 construed to mean orders directing an offender affirmatively to
34 participate in rehabilitative programs or to otherwise perform
35 affirmative conduct. However, affirmative acts necessary to monitor
36 compliance with the order of a court may be required by the
37 department.

38 (11) "Criminal history" means the list of a defendant's prior
39 convictions and juvenile adjudications, whether in this state, in

1 federal court, or elsewhere, and any issued certificates of
2 restoration of opportunity pursuant to section 3 of this act.

3 (a) The history shall include, where known, for each conviction
4 (i) whether the defendant has been placed on probation and the length
5 and terms thereof; and (ii) whether the defendant has been
6 incarcerated and the length of incarceration.

7 (b) A conviction may be removed from a defendant's criminal
8 history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640,
9 9.95.240, or a similar out-of-state statute, or if the conviction has
10 been vacated pursuant to a governor's pardon.

11 (c) The determination of a defendant's criminal history is
12 distinct from the determination of an offender score. A prior
13 conviction that was not included in an offender score calculated
14 pursuant to a former version of the sentencing reform act remains
15 part of the defendant's criminal history.

16 (12) "Criminal street gang" means any ongoing organization,
17 association, or group of three or more persons, whether formal or
18 informal, having a common name or common identifying sign or symbol,
19 having as one of its primary activities the commission of criminal
20 acts, and whose members or associates individually or collectively
21 engage in or have engaged in a pattern of criminal street gang
22 activity. This definition does not apply to employees engaged in
23 concerted activities for their mutual aid and protection, or to the
24 activities of labor and bona fide nonprofit organizations or their
25 members or agents.

26 (13) "Criminal street gang associate or member" means any person
27 who actively participates in any criminal street gang and who
28 intentionally promotes, furthers, or assists in any criminal act by
29 the criminal street gang.

30 (14) "Criminal street gang-related offense" means any felony or
31 misdemeanor offense, whether in this state or elsewhere, that is
32 committed for the benefit of, at the direction of, or in association
33 with any criminal street gang, or is committed with the intent to
34 promote, further, or assist in any criminal conduct by the gang, or
35 is committed for one or more of the following reasons:

36 (a) To gain admission, prestige, or promotion within the gang;

37 (b) To increase or maintain the gang's size, membership,
38 prestige, dominance, or control in any geographical area;

39 (c) To exact revenge or retribution for the gang or any member of
40 the gang;

1 (d) To obstruct justice, or intimidate or eliminate any witness
2 against the gang or any member of the gang;

3 (e) To directly or indirectly cause any benefit, aggrandizement,
4 gain, profit, or other advantage for the gang, its reputation,
5 influence, or membership; or

6 (f) To provide the gang with any advantage in, or any control or
7 dominance over any criminal market sector, including, but not limited
8 to, manufacturing, delivering, or selling any controlled substance
9 (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen
10 property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88
11 RCW); human trafficking (RCW 9A.40.100); promoting commercial sexual
12 abuse of a minor (RCW 9.68A.101); or promoting pornography (chapter
13 9.68 RCW).

14 (15) "Day fine" means a fine imposed by the sentencing court that
15 equals the difference between the offender's net daily income and the
16 reasonable obligations that the offender has for the support of the
17 offender and any dependents.

18 (16) "Day reporting" means a program of enhanced supervision
19 designed to monitor the offender's daily activities and compliance
20 with sentence conditions, and in which the offender is required to
21 report daily to a specific location designated by the department or
22 the sentencing court.

23 (17) "Department" means the department of corrections.

24 (18) "Determinate sentence" means a sentence that states with
25 exactitude the number of actual years, months, or days of total
26 confinement, of partial confinement, of community custody, the number
27 of actual hours or days of community restitution work, or dollars or
28 terms of a legal financial obligation. The fact that an offender
29 through earned release can reduce the actual period of confinement
30 shall not affect the classification of the sentence as a determinate
31 sentence.

32 (19) "Disposable earnings" means that part of the earnings of an
33 offender remaining after the deduction from those earnings of any
34 amount required by law to be withheld. For the purposes of this
35 definition, "earnings" means compensation paid or payable for
36 personal services, whether denominated as wages, salary, commission,
37 bonuses, or otherwise, and, notwithstanding any other provision of
38 law making the payments exempt from garnishment, attachment, or other
39 process to satisfy a court-ordered legal financial obligation,
40 specifically includes periodic payments pursuant to pension or

1 retirement programs, or insurance policies of any type, but does not
2 include payments made under Title 50 RCW, except as provided in RCW
3 50.40.020 and 50.40.050, or Title 74 RCW.

4 (20) "Domestic violence" has the same meaning as defined in RCW
5 10.99.020 and 26.50.010.

6 (21) "Drug offender sentencing alternative" is a sentencing
7 option available to persons convicted of a felony offense other than
8 a violent offense or a sex offense and who are eligible for the
9 option under RCW 9.94A.660.

10 (22) "Drug offense" means:

11 (a) Any felony violation of chapter 69.50 RCW except possession
12 of a controlled substance (RCW 69.50.4013) or forged prescription for
13 a controlled substance (RCW 69.50.403);

14 (b) Any offense defined as a felony under federal law that
15 relates to the possession, manufacture, distribution, or
16 transportation of a controlled substance; or

17 (c) Any out-of-state conviction for an offense that under the
18 laws of this state would be a felony classified as a drug offense
19 under (a) of this subsection.

20 (23) "Earned release" means earned release from confinement as
21 provided in RCW 9.94A.728.

22 (24) "Escape" means:

23 (a) Sexually violent predator escape (RCW 9A.76.115), escape in
24 the first degree (RCW 9A.76.110), escape in the second degree (RCW
25 9A.76.120), willful failure to return from furlough (RCW 72.66.060),
26 willful failure to return from work release (RCW 72.65.070), or
27 willful failure to be available for supervision by the department
28 while in community custody (RCW 72.09.310); or

29 (b) Any federal or out-of-state conviction for an offense that
30 under the laws of this state would be a felony classified as an
31 escape under (a) of this subsection.

32 (25) "Felony traffic offense" means:

33 (a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW
34 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-
35 run injury-accident (RCW 46.52.020(4)), felony driving while under
36 the influence of intoxicating liquor or any drug (RCW 46.61.502(6)),
37 or felony physical control of a vehicle while under the influence of
38 intoxicating liquor or any drug (RCW 46.61.504(6)); or

1 (b) Any federal or out-of-state conviction for an offense that
2 under the laws of this state would be a felony classified as a felony
3 traffic offense under (a) of this subsection.

4 (26) "Fine" means a specific sum of money ordered by the
5 sentencing court to be paid by the offender to the court over a
6 specific period of time.

7 (27) "First-time offender" means any person who has no prior
8 convictions for a felony and is eligible for the first-time offender
9 waiver under RCW 9.94A.650.

10 (28) "Home detention" means a program of partial confinement
11 available to offenders wherein the offender is confined in a private
12 residence subject to electronic surveillance.

13 (29) "Homelessness" or "homeless" means a condition where an
14 individual lacks a fixed, regular, and adequate nighttime residence
15 and who has a primary nighttime residence that is:

16 (a) A supervised, publicly or privately operated shelter designed
17 to provide temporary living accommodations;

18 (b) A public or private place not designed for, or ordinarily
19 used as, a regular sleeping accommodation for human beings; or

20 (c) A private residence where the individual stays as a transient
21 invitee.

22 (30) "Legal financial obligation" means a sum of money that is
23 ordered by a superior court of the state of Washington for legal
24 financial obligations which may include restitution to the victim,
25 statutorily imposed crime victims' compensation fees as assessed
26 pursuant to RCW 7.68.035, court costs, county or interlocal drug
27 funds, court-appointed attorneys' fees, and costs of defense, fines,
28 and any other financial obligation that is assessed to the offender
29 as a result of a felony conviction. Upon conviction for vehicular
30 assault while under the influence of intoxicating liquor or any drug,
31 RCW 46.61.522(1)(b), or vehicular homicide while under the influence
32 of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal
33 financial obligations may also include payment to a public agency of
34 the expense of an emergency response to the incident resulting in the
35 conviction, subject to RCW 38.52.430.

36 (31) "Minor child" means a biological or adopted child of the
37 offender who is under age eighteen at the time of the offender's
38 current offense.

39 (32) "Most serious offense" means any of the following felonies
40 or a felony attempt to commit any of the following felonies:

- 1 (a) Any felony defined under any law as a class A felony or
2 criminal solicitation of or criminal conspiracy to commit a class A
3 felony;
- 4 (b) Assault in the second degree;
- 5 (c) Assault of a child in the second degree;
- 6 (d) Child molestation in the second degree;
- 7 (e) Controlled substance homicide;
- 8 (f) Extortion in the first degree;
- 9 (g) Incest when committed against a child under age fourteen;
- 10 (h) Indecent liberties;
- 11 (i) Kidnapping in the second degree;
- 12 (j) Leading organized crime;
- 13 (k) Manslaughter in the first degree;
- 14 (l) Manslaughter in the second degree;
- 15 (m) Promoting prostitution in the first degree;
- 16 (n) Rape in the third degree;
- 17 (o) Robbery in the second degree;
- 18 (p) Sexual exploitation;
- 19 (q) Vehicular assault, when caused by the operation or driving of
20 a vehicle by a person while under the influence of intoxicating
21 liquor or any drug or by the operation or driving of a vehicle in a
22 reckless manner;
- 23 (r) Vehicular homicide, when proximately caused by the driving of
24 any vehicle by any person while under the influence of intoxicating
25 liquor or any drug as defined by RCW 46.61.502, or by the operation
26 of any vehicle in a reckless manner;
- 27 (s) Any other class B felony offense with a finding of sexual
28 motivation;
- 29 (t) Any other felony with a deadly weapon verdict under RCW
30 9.94A.825;
- 31 (u) Any felony offense in effect at any time prior to December 2,
32 1993, that is comparable to a most serious offense under this
33 subsection, or any federal or out-of-state conviction for an offense
34 that under the laws of this state would be a felony classified as a
35 most serious offense under this subsection;
- 36 (v)(i) A prior conviction for indecent liberties under RCW
37 9A.44.100(1) (a), (b), and (c), chapter 260, Laws of 1975 1st ex.
38 sess. as it existed until July 1, 1979, RCW 9A.44.100(1) (a), (b),
39 and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW

1 9A.44.100(1) (a), (b), and (d) as it existed from June 11, 1986,
2 until July 1, 1988;

3 (ii) A prior conviction for indecent liberties under RCW
4 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988,
5 if: (A) The crime was committed against a child under the age of
6 fourteen; or (B) the relationship between the victim and perpetrator
7 is included in the definition of indecent liberties under RCW
8 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27,
9 1997, or RCW 9A.44.100(1) (d) or (e) as it existed from July 25,
10 1993, through July 27, 1997;

11 (w) Any out-of-state conviction for a felony offense with a
12 finding of sexual motivation if the minimum sentence imposed was ten
13 years or more; provided that the out-of-state felony offense must be
14 comparable to a felony offense under this title and Title 9A RCW and
15 the out-of-state definition of sexual motivation must be comparable
16 to the definition of sexual motivation contained in this section.

17 (33) "Nonviolent offense" means an offense which is not a violent
18 offense.

19 (34) "Offender" means a person who has committed a felony
20 established by state law and is eighteen years of age or older or is
21 less than eighteen years of age but whose case is under superior
22 court jurisdiction under RCW 13.04.030 or has been transferred by the
23 appropriate juvenile court to a criminal court pursuant to RCW
24 13.40.110. In addition, for the purpose of community custody
25 requirements under this chapter, "offender" also means a misdemeanor
26 or gross misdemeanor probationer ordered by a superior court to
27 probation pursuant to RCW 9.92.060, 9.95.204, or 9.95.210 and
28 supervised by the department pursuant to RCW 9.94A.501 and
29 9.94A.5011. Throughout this chapter, the terms "offender" and
30 "defendant" are used interchangeably.

31 (35) "Partial confinement" means confinement for no more than one
32 year in a facility or institution operated or utilized under contract
33 by the state or any other unit of government, or, if home detention
34 or work crew has been ordered by the court or home detention has been
35 ordered by the department as part of the parenting program, in an
36 approved residence, for a substantial portion of each day with the
37 balance of the day spent in the community. Partial confinement
38 includes work release, home detention, work crew, and a combination
39 of work crew and home detention.

40 (36) "Pattern of criminal street gang activity" means:

1 (a) The commission, attempt, conspiracy, or solicitation of, or
2 any prior juvenile adjudication of or adult conviction of, two or
3 more of the following criminal street gang-related offenses:

4 (i) Any "serious violent" felony offense as defined in this
5 section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a
6 Child 1 (RCW 9A.36.120);

7 (ii) Any "violent" offense as defined by this section, excluding
8 Assault of a Child 2 (RCW 9A.36.130);

9 (iii) Deliver or Possession with Intent to Deliver a Controlled
10 Substance (chapter 69.50 RCW);

11 (iv) Any violation of the firearms and dangerous weapon act
12 (chapter 9.41 RCW);

13 (v) Theft of a Firearm (RCW 9A.56.300);

14 (vi) Possession of a Stolen Firearm (RCW 9A.56.310);

15 (vii) Malicious Harassment (RCW 9A.36.080);

16 (viii) Harassment where a subsequent violation or deadly threat
17 is made (RCW 9A.46.020(2)(b));

18 (ix) Criminal Gang Intimidation (RCW 9A.46.120);

19 (x) Any felony conviction by a person eighteen years of age or
20 older with a special finding of involving a juvenile in a felony
21 offense under RCW 9.94A.833;

22 (xi) Residential Burglary (RCW 9A.52.025);

23 (xii) Burglary 2 (RCW 9A.52.030);

24 (xiii) Malicious Mischief 1 (RCW 9A.48.070);

25 (xiv) Malicious Mischief 2 (RCW 9A.48.080);

26 (xv) Theft of a Motor Vehicle (RCW 9A.56.065);

27 (xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

28 (xvii) Taking a Motor Vehicle Without Permission 1 (RCW
29 9A.56.070);

30 (xviii) Taking a Motor Vehicle Without Permission 2 (RCW
31 9A.56.075);

32 (xix) Extortion 1 (RCW 9A.56.120);

33 (xx) Extortion 2 (RCW 9A.56.130);

34 (xxi) Intimidating a Witness (RCW 9A.72.110);

35 (xxii) Tampering with a Witness (RCW 9A.72.120);

36 (xxiii) Reckless Endangerment (RCW 9A.36.050);

37 (xxiv) Coercion (RCW 9A.36.070);

38 (xxv) Harassment (RCW 9A.46.020); or

39 (xxvi) Malicious Mischief 3 (RCW 9A.48.090);

1 (b) That at least one of the offenses listed in (a) of this
2 subsection shall have occurred after July 1, 2008;

3 (c) That the most recent committed offense listed in (a) of this
4 subsection occurred within three years of a prior offense listed in
5 (a) of this subsection; and

6 (d) Of the offenses that were committed in (a) of this
7 subsection, the offenses occurred on separate occasions or were
8 committed by two or more persons.

9 (37) "Persistent offender" is an offender who:

10 (a)(i) Has been convicted in this state of any felony considered
11 a most serious offense; and

12 (ii) Has, before the commission of the offense under (a) of this
13 subsection, been convicted as an offender on at least two separate
14 occasions, whether in this state or elsewhere, of felonies that under
15 the laws of this state would be considered most serious offenses and
16 would be included in the offender score under RCW 9.94A.525; provided
17 that of the two or more previous convictions, at least one conviction
18 must have occurred before the commission of any of the other most
19 serious offenses for which the offender was previously convicted; or

20 (b)(i) Has been convicted of: (A) Rape in the first degree, rape
21 of a child in the first degree, child molestation in the first
22 degree, rape in the second degree, rape of a child in the second
23 degree, or indecent liberties by forcible compulsion; (B) any of the
24 following offenses with a finding of sexual motivation: Murder in the
25 first degree, murder in the second degree, homicide by abuse,
26 kidnapping in the first degree, kidnapping in the second degree,
27 assault in the first degree, assault in the second degree, assault of
28 a child in the first degree, assault of a child in the second degree,
29 or burglary in the first degree; or (C) an attempt to commit any
30 crime listed in this subsection (37)(b)(i); and

31 (ii) Has, before the commission of the offense under (b)(i) of
32 this subsection, been convicted as an offender on at least one
33 occasion, whether in this state or elsewhere, of an offense listed in
34 (b)(i) of this subsection or any federal or out-of-state offense or
35 offense under prior Washington law that is comparable to the offenses
36 listed in (b)(i) of this subsection. A conviction for rape of a child
37 in the first degree constitutes a conviction under (b)(i) of this
38 subsection only when the offender was sixteen years of age or older
39 when the offender committed the offense. A conviction for rape of a
40 child in the second degree constitutes a conviction under (b)(i) of

1 this subsection only when the offender was eighteen years of age or
2 older when the offender committed the offense.

3 (38) "Predatory" means: (a) The perpetrator of the crime was a
4 stranger to the victim, as defined in this section; (b) the
5 perpetrator established or promoted a relationship with the victim
6 prior to the offense and the victimization of the victim was a
7 significant reason the perpetrator established or promoted the
8 relationship; or (c) the perpetrator was: (i) A teacher, counselor,
9 volunteer, or other person in authority in any public or private
10 school and the victim was a student of the school under his or her
11 authority or supervision. For purposes of this subsection, "school"
12 does not include home-based instruction as defined in RCW
13 28A.225.010; (ii) a coach, trainer, volunteer, or other person in
14 authority in any recreational activity and the victim was a
15 participant in the activity under his or her authority or
16 supervision; (iii) a pastor, elder, volunteer, or other person in
17 authority in any church or religious organization, and the victim was
18 a member or participant of the organization under his or her
19 authority; or (iv) a teacher, counselor, volunteer, or other person
20 in authority providing home-based instruction and the victim was a
21 student receiving home-based instruction while under his or her
22 authority or supervision. For purposes of this subsection: (A) "Home-
23 based instruction" has the same meaning as defined in RCW
24 28A.225.010; and (B) "teacher, counselor, volunteer, or other person
25 in authority" does not include the parent or legal guardian of the
26 victim.

27 (39) "Private school" means a school regulated under chapter
28 28A.195 or 28A.205 RCW.

29 (40) "Public school" has the same meaning as in RCW 28A.150.010.

30 (41) "Repetitive domestic violence offense" means any:

31 (a)(i) Domestic violence assault that is not a felony offense
32 under RCW 9A.36.041;

33 (ii) Domestic violence violation of a no-contact order under
34 chapter 10.99 RCW that is not a felony offense;

35 (iii) Domestic violence violation of a protection order under
36 chapter 26.09, 26.10, 26.26, or 26.50 RCW that is not a felony
37 offense;

38 (iv) Domestic violence harassment offense under RCW 9A.46.020
39 that is not a felony offense; or

1 (v) Domestic violence stalking offense under RCW 9A.46.110 that
2 is not a felony offense; or

3 (b) Any federal, out-of-state, tribal court, military, county, or
4 municipal conviction for an offense that under the laws of this state
5 would be classified as a repetitive domestic violence offense under
6 (a) of this subsection.

7 (42) "Restitution" means a specific sum of money ordered by the
8 sentencing court to be paid by the offender to the court over a
9 specified period of time as payment of damages. The sum may include
10 both public and private costs.

11 (43) "Risk assessment" means the application of the risk
12 instrument recommended to the department by the Washington state
13 institute for public policy as having the highest degree of
14 predictive accuracy for assessing an offender's risk of reoffense.

15 (44) "Serious traffic offense" means:

16 (a) Nonfelony driving while under the influence of intoxicating
17 liquor or any drug (RCW 46.61.502), nonfelony actual physical control
18 while under the influence of intoxicating liquor or any drug (RCW
19 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an
20 attended vehicle (RCW 46.52.020(5)); or

21 (b) Any federal, out-of-state, county, or municipal conviction
22 for an offense that under the laws of this state would be classified
23 as a serious traffic offense under (a) of this subsection.

24 (45) "Serious violent offense" is a subcategory of violent
25 offense and means:

26 (a)(i) Murder in the first degree;

27 (ii) Homicide by abuse;

28 (iii) Murder in the second degree;

29 (iv) Manslaughter in the first degree;

30 (v) Assault in the first degree;

31 (vi) Kidnapping in the first degree;

32 (vii) Rape in the first degree;

33 (viii) Assault of a child in the first degree; or

34 (ix) An attempt, criminal solicitation, or criminal conspiracy to
35 commit one of these felonies; or

36 (b) Any federal or out-of-state conviction for an offense that
37 under the laws of this state would be a felony classified as a
38 serious violent offense under (a) of this subsection.

39 (46) "Sex offense" means:

1 (a)(i) A felony that is a violation of chapter 9A.44 RCW other
2 than RCW 9A.44.132;
3 (ii) A violation of RCW 9A.64.020;
4 (iii) A felony that is a violation of chapter 9.68A RCW other
5 than RCW 9.68A.080;
6 (iv) A felony that is, under chapter 9A.28 RCW, a criminal
7 attempt, criminal solicitation, or criminal conspiracy to commit such
8 crimes; or
9 (v) A felony violation of RCW 9A.44.132(1) (failure to register)
10 if the person has been convicted of violating RCW 9A.44.132(1)
11 (failure to register) on at least one prior occasion;
12 (b) Any conviction for a felony offense in effect at any time
13 prior to July 1, 1976, that is comparable to a felony classified as a
14 sex offense in (a) of this subsection;
15 (c) A felony with a finding of sexual motivation under RCW
16 9.94A.835 or 13.40.135; or
17 (d) Any federal or out-of-state conviction for an offense that
18 under the laws of this state would be a felony classified as a sex
19 offense under (a) of this subsection.
20 (47) "Sexual motivation" means that one of the purposes for which
21 the defendant committed the crime was for the purpose of his or her
22 sexual gratification.
23 (48) "Standard sentence range" means the sentencing court's
24 discretionary range in imposing a nonappealable sentence.
25 (49) "Statutory maximum sentence" means the maximum length of
26 time for which an offender may be confined as punishment for a crime
27 as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute
28 defining the crime, or other statute defining the maximum penalty for
29 a crime.
30 (50) "Stranger" means that the victim did not know the offender
31 twenty-four hours before the offense.
32 (51) "Total confinement" means confinement inside the physical
33 boundaries of a facility or institution operated or utilized under
34 contract by the state or any other unit of government for twenty-four
35 hours a day, or pursuant to RCW 72.64.050 and 72.64.060.
36 (52) "Transition training" means written and verbal instructions
37 and assistance provided by the department to the offender during the
38 two weeks prior to the offender's successful completion of the work
39 ethic camp program. The transition training shall include

1 instructions in the offender's requirements and obligations during
2 the offender's period of community custody.

3 (53) "Victim" means any person who has sustained emotional,
4 psychological, physical, or financial injury to person or property as
5 a direct result of the crime charged.

6 (54) "Violent offense" means:

7 (a) Any of the following felonies:

8 (i) Any felony defined under any law as a class A felony or an
9 attempt to commit a class A felony;

10 (ii) Criminal solicitation of or criminal conspiracy to commit a
11 class A felony;

12 (iii) Manslaughter in the first degree;

13 (iv) Manslaughter in the second degree;

14 (v) Indecent liberties if committed by forcible compulsion;

15 (vi) Kidnapping in the second degree;

16 (vii) Arson in the second degree;

17 (viii) Assault in the second degree;

18 (ix) Assault of a child in the second degree;

19 (x) Extortion in the first degree;

20 (xi) Robbery in the second degree;

21 (xii) Drive-by shooting;

22 (xiii) Vehicular assault, when caused by the operation or driving
23 of a vehicle by a person while under the influence of intoxicating
24 liquor or any drug or by the operation or driving of a vehicle in a
25 reckless manner; and

26 (xiv) Vehicular homicide, when proximately caused by the driving
27 of any vehicle by any person while under the influence of
28 intoxicating liquor or any drug as defined by RCW 46.61.502, or by
29 the operation of any vehicle in a reckless manner;

30 (b) Any conviction for a felony offense in effect at any time
31 prior to July 1, 1976, that is comparable to a felony classified as a
32 violent offense in (a) of this subsection; and

33 (c) Any federal or out-of-state conviction for an offense that
34 under the laws of this state would be a felony classified as a
35 violent offense under (a) or (b) of this subsection.

36 (55) "Work crew" means a program of partial confinement
37 consisting of civic improvement tasks for the benefit of the
38 community that complies with RCW 9.94A.725.

39 (56) "Work ethic camp" means an alternative incarceration program
40 as provided in RCW 9.94A.690 designed to reduce recidivism and lower

1 the cost of corrections by requiring offenders to complete a
2 comprehensive array of real-world job and vocational experiences,
3 character-building work ethics training, life management skills
4 development, substance abuse rehabilitation, counseling, literacy
5 training, and basic adult education.

6 (57) "Work release" means a program of partial confinement
7 available to offenders who are employed or engaged as a student in a
8 regular course of study at school.

9 **Sec. 26.** RCW 18.160.080 and 1997 c 58 s 834 are each amended to
10 read as follows:

11 (1) The state director of fire protection may refuse to issue or
12 renew or may suspend or revoke the privilege of a licensed fire
13 protection sprinkler system contractor or the certificate of a
14 certificate of competency holder to engage in the fire protection
15 sprinkler system business or in lieu thereof, establish penalties as
16 prescribed by Washington state law, for any of the following reasons:

17 (a) Gross incompetency or gross negligence in the preparation of
18 technical drawings, installation, repair, alteration, maintenance,
19 inspection, service, or addition to fire protection sprinkler
20 systems;

21 (b) Except as provided in section 3 of this act, conviction of a
22 felony;

23 (c) Fraudulent or dishonest practices while engaging in the fire
24 protection sprinkler system((s)) business;

25 (d) Use of false evidence or misrepresentation in an application
26 for a license or certificate of competency;

27 (e) Permitting his or her license to be used in connection with
28 the preparation of any technical drawings which have not been
29 prepared by him or her personally or under his or her immediate
30 supervision, or in violation of this chapter; or

31 (f) Knowingly violating any provisions of this chapter or the
32 regulations issued thereunder.

33 (2) The state director of fire protection shall revoke the
34 license of a licensed fire protection sprinkler system contractor or
35 the certificate of a certificate of competency holder who engages in
36 the fire protection sprinkler system business while the license or
37 certificate of competency is suspended.

38 (3) The state director of fire protection shall immediately
39 suspend any license or certificate issued under this chapter if the

1 holder has been certified pursuant to RCW 74.20A.320 by the
2 department of social and health services as a person who is not in
3 compliance with a support order or a residential or visitation order.
4 If the person has continued to meet all other requirements for
5 issuance or reinstatement during the suspension, issuance or
6 reissuance of the license or certificate shall be automatic upon the
7 director's receipt of a release issued by the department of social
8 and health services stating that the person is in compliance with the
9 order.

10 (4) Any licensee or certificate of competency holder who is
11 aggrieved by an order of the state director of fire protection
12 suspending or revoking a license may, within thirty days after notice
13 of such suspension or revocation, appeal under chapter 34.05 RCW.
14 This subsection does not apply to actions taken under subsection (3)
15 of this section.

16 **Sec. 27.** RCW 18.165.030 and 2012 c 118 s 1 are each amended to
17 read as follows:

18 An applicant must meet the following minimum requirements to
19 obtain a private investigator license:

- 20 (1) Be at least eighteen years of age;
- 21 (2) Be a citizen or resident alien of the United States;
- 22 (3) Except as provided in section 3 of this act, not have been
23 convicted of a crime in any jurisdiction, if the director determines
24 that the applicant's particular crime directly relates to his or her
25 capacity to perform the duties of a private investigator and the
26 director determines that the license should be withheld to protect
27 the citizens of Washington state. The director shall make her or his
28 determination to withhold a license because of previous convictions
29 notwithstanding the restoration of employment rights act, chapter
30 9.96A RCW;
- 31 (4) Be employed by or have an employment offer from a private
32 investigator agency or be licensed as a private investigator agency;
- 33 (5) Submit a set of fingerprints; however, if an applicant has
34 been issued a license as a private security guard under chapter
35 18.170 RCW within the last twelve months, the applicant is not
36 required to undergo a separate background check to become licensed
37 under this chapter;
- 38 (6) Pay the required nonrefundable fee for each application; and

1 (7) Submit a fully completed application that includes proper
2 identification on a form prescribed by the director for each company
3 of employment.

4 **Sec. 28.** RCW 18.170.030 and 2012 c 118 s 2 are each amended to
5 read as follows:

6 An applicant must meet the following minimum requirements to
7 obtain a private security guard license:

8 (1) Be at least eighteen years of age;

9 (2) Be a citizen of the United States or a resident alien;

10 (3) Except as provided in section 3 of this act, not have been
11 convicted of a crime in any jurisdiction, if the director determines
12 that the applicant's particular crime directly relates to his or her
13 capacity to perform the duties of a private security guard, and the
14 director determines that the license should be withheld to protect
15 the citizens of Washington state. The director shall make her or his
16 determination to withhold a license because of previous convictions
17 notwithstanding the restoration of employment rights act, chapter
18 9.96A RCW;

19 (4) Be employed by or have an employment offer from a licensed
20 private security company or be licensed as a private security
21 company;

22 (5) Satisfy the training requirements established by the
23 director;

24 (6) Submit a set of fingerprints; however, if an applicant has
25 been issued a license as a private investigator under chapter 18.165
26 RCW within the last twelve months, the applicant is not required to
27 undergo a separate background check to become licensed under this
28 chapter;

29 (7) Pay the required nonrefundable fee for each application; and

30 (8) Submit a fully completed application that includes proper
31 identification on a form prescribed by the director for each company
32 of employment.

33 **Sec. 29.** RCW 18.185.020 and 1993 c 260 s 3 are each amended to
34 read as follows:

35 An applicant must meet the following minimum requirements to
36 obtain a bail bond agent license:

37 (1) Be at least eighteen years of age;

38 (2) Be a citizen or resident alien of the United States;

1 (3) Except as provided in section 3 of this act, not have been
2 convicted of a crime in any jurisdiction in the preceding ten years,
3 if the director determines that the applicant's particular crime
4 directly relates to a capacity to perform the duties of a bail bond
5 agent and the director determines that the license should be withheld
6 to protect the citizens of Washington state. If the director shall
7 make a determination to withhold a license because of previous
8 convictions, the determination shall be consistent with the
9 restoration of employment rights act, chapter 9.96A RCW;

10 (4) Be employed by a bail bond agency or be licensed as a bail
11 bond agency; and

12 (5) Pay the required fee.

13 **Sec. 30.** RCW 18.185.250 and 2008 c 105 s 5 are each amended to
14 read as follows:

15 An applicant must meet the following requirements to obtain a
16 bail bond recovery agent license:

17 (1) Submit a fully completed application that includes proper
18 identification on a form prescribed by the director;

19 (2) Pass an examination determined by the director to measure his
20 or her knowledge and competence in the bail recovery business;

21 (3) Be at least twenty-one years old;

22 (4) Be a citizen or legal resident alien of the United States;

23 (5) Except as provided in section 3 of this act, not have been
24 convicted of a crime in any jurisdiction, if the director determines
25 that the applicant's particular crime directly relates to a capacity
26 to perform the duties of a bail bond recovery agent, and that the
27 license should be withheld to protect the citizens of Washington
28 state. The director shall make the director's determination to
29 withhold a license because of previous convictions notwithstanding
30 the restoration of employment rights act, chapter 9.96A RCW;

31 (6) Not have had certification as a peace officer revoked or
32 denied under chapter 43.101 RCW, unless certification has
33 subsequently been reinstated under RCW 43.101.115;

34 (7) Submit a receipt showing payment for a background check
35 through the Washington state patrol and the federal bureau of
36 investigation;

37 (8) Have a current firearms certificate issued by the commission
38 if carrying a firearm in the performance of his or her duties as a
39 bail bond recovery agent;

1 (9)(a) Have a current license or equivalent permit to carry a
2 concealed pistol;

3 (b) A resident alien must provide a copy of his or her alien
4 firearm license; and

5 (10)(a) Pay the required nonrefundable fee for each application
6 for a bail bond recovery agent license;

7 (b) A bail bond agent or qualified agent who wishes to perform
8 the duties of a bail bond recovery agent must first obtain a bail
9 bond recovery agent endorsement to his or her bail bond agent or
10 agency license in order to act as a bail bond recovery agent, and pay
11 the required nonrefundable fee for each application for a bail bond
12 recovery agent endorsement.

13 **Sec. 31.** RCW 18.130.160 and 2008 c 134 s 10 are each amended to
14 read as follows:

15 Upon a finding, after hearing, that a license holder has
16 committed unprofessional conduct or is unable to practice with
17 reasonable skill and safety due to a physical or mental condition,
18 the disciplining authority shall issue an order including sanctions
19 adopted in accordance with the schedule adopted under RCW 18.130.390
20 giving proper consideration to any prior findings of fact under RCW
21 18.130.110, any stipulations to informal disposition under RCW
22 18.130.172, and any action taken by other in-state or out-of-state
23 disciplining authorities. The order must provide for one or any
24 combination of the following, as directed by the schedule, except as
25 provided in section 3 of this act:

26 (1) Revocation of the license;

27 (2) Suspension of the license for a fixed or indefinite term;

28 (3) Restriction or limitation of the practice;

29 (4) Requiring the satisfactory completion of a specific program
30 of remedial education or treatment;

31 (5) The monitoring of the practice by a supervisor approved by
32 the disciplining authority;

33 (6) Censure or reprimand;

34 (7) Compliance with conditions of probation for a designated
35 period of time;

36 (8) Payment of a fine for each violation of this chapter, not to
37 exceed five thousand dollars per violation. Funds received shall be
38 placed in the health professions account;

39 (9) Denial of the license request;

1 (10) Corrective action;

2 (11) Refund of fees billed to and collected from the consumer;

3 (12) A surrender of the practitioner's license in lieu of other
4 sanctions, which must be reported to the federal data bank.

5 Any of the actions under this section may be totally or partly
6 stayed by the disciplining authority. Safeguarding the public's
7 health and safety is the paramount responsibility of every
8 disciplining authority. In determining what action is appropriate,
9 the disciplining authority must consider the schedule adopted under
10 RCW 18.130.390. Where the schedule allows flexibility in determining
11 the appropriate sanction, the disciplining authority must first
12 consider what sanctions are necessary to protect or compensate the
13 public. Only after such provisions have been made may the
14 disciplining authority consider and include in the order requirements
15 designed to rehabilitate the license holder. All costs associated
16 with compliance with orders issued under this section are the
17 obligation of the license holder. The disciplining authority may
18 order permanent revocation of a license if it finds that the license
19 holder can never be rehabilitated or can never regain the ability to
20 practice with reasonable skill and safety.

21 Surrender or permanent revocation of a license under this section
22 is not subject to a petition for reinstatement under RCW 18.130.150.

23 The disciplining authority may determine that a case presents
24 unique circumstances that the schedule adopted under RCW 18.130.390
25 does not adequately address. The disciplining authority may deviate
26 from the schedule adopted under RCW 18.130.390 when selecting
27 appropriate sanctions, but the disciplining authority must issue a
28 written explanation of the basis for not following the schedule.

29 The license holder may enter into a stipulated disposition of
30 charges that includes one or more of the sanctions of this section,
31 but only after a statement of charges has been issued and the license
32 holder has been afforded the opportunity for a hearing and has
33 elected on the record to forego such a hearing. The stipulation shall
34 either contain one or more specific findings of unprofessional
35 conduct or inability to practice, or a statement by the license
36 holder acknowledging that evidence is sufficient to justify one or
37 more specified findings of unprofessional conduct or inability to
38 practice. The stipulation entered into pursuant to this subsection
39 shall be considered formal disciplinary action for all purposes.

1 **Sec. 32.** RCW 43.20A.710 and 2014 c 88 s 2 are each amended to
2 read as follows:

3 (1) The secretary shall investigate the conviction records,
4 pending charges and disciplinary board final decisions of:

5 (a) Any current employee or applicant seeking or being considered
6 for any position with the department who will or may have
7 unsupervised access to children, vulnerable adults, or individuals
8 with mental illness or developmental disabilities. This includes, but
9 is not limited to, positions conducting comprehensive assessments,
10 financial eligibility determinations, licensing and certification
11 activities, investigations, surveys, or case management; or for state
12 positions otherwise required by federal law to meet employment
13 standards;

14 (b) Individual providers who are paid by the state and providers
15 who are paid by home care agencies to provide in-home services
16 involving unsupervised access to persons with physical, mental, or
17 developmental disabilities or mental illness, or to vulnerable adults
18 as defined in chapter 74.34 RCW, including but not limited to
19 services provided under chapter 74.39 or 74.39A RCW; and

20 (c) Individuals or businesses or organizations for the care,
21 supervision, case management, or treatment of children, persons with
22 developmental disabilities, or vulnerable adults, including but not
23 limited to services contracted for under chapter 18.20, 70.127,
24 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

25 (2) The secretary shall require a fingerprint-based background
26 check through both the Washington state patrol and the federal bureau
27 of investigation as provided in RCW 43.43.837. Unless otherwise
28 authorized by law, the secretary shall use the information solely for
29 the purpose of determining the character, suitability, and competence
30 of the applicant.

31 (3) Except as provided in subsection (4) of this section, an
32 individual provider or home care agency provider who has resided in
33 the state less than three years before applying for employment
34 involving unsupervised access to a vulnerable adult as defined in
35 chapter 74.34 RCW must be fingerprinted for the purpose of
36 investigating conviction records through both the Washington state
37 patrol and the federal bureau of investigation. This subsection
38 applies only with respect to the provision of in-home services funded
39 by medicaid personal care under RCW 74.09.520, community options
40 program entry system waiver services under RCW 74.39A.030, or chore

1 services under RCW 74.39A.110. However, this subsection does not
2 supersede RCW 74.15.030(2)(b).

3 (4) Long-term care workers, as defined in RCW 74.39A.009, who are
4 hired after January 7, 2012, are subject to background checks under
5 RCW 74.39A.056, except that the department may require a background
6 check at any time under RCW 43.43.837. For the purposes of this
7 subsection, "background check" includes, but is not limited to, a
8 fingerprint check submitted for the purpose of investigating
9 conviction records through both the Washington state patrol and the
10 federal bureau of investigation.

11 (5) An individual provider or home care agency provider hired to
12 provide in-home care for and having unsupervised access to a
13 vulnerable adult as defined in chapter 74.34 RCW must have no
14 conviction for a disqualifying crime under RCW 43.43.830 and
15 43.43.842, except as provided in section 3 of this act. An individual
16 or home care agency provider must also have no conviction for a crime
17 relating to drugs as defined in RCW 43.43.830, except as provided in
18 section 3 of this act. This subsection applies only with respect to
19 the provision of in-home services funded by medicaid personal care
20 under RCW 74.09.520, community options program entry system waiver
21 services under RCW 74.39A.030, or chore services under RCW
22 74.39A.110.

23 (6) The secretary shall provide the results of the state
24 background check on long-term care workers, including individual
25 providers, to the persons hiring them or to their legal guardians, if
26 any, for their determination of the character, suitability, and
27 competence of the applicants. If the person elects to hire or retain
28 an individual provider after receiving notice from the department
29 that the applicant has a conviction for an offense that would
30 disqualify the applicant from having unsupervised access to persons
31 with physical, mental, or developmental disabilities or mental
32 illness, or to vulnerable adults as defined in chapter 74.34 RCW,
33 then the secretary shall deny payment for any subsequent services
34 rendered by the disqualified individual provider.

35 (7) Criminal justice agencies shall provide the secretary such
36 information as they may have and that the secretary may require for
37 such purpose.

38 (8) Any person whose criminal history would otherwise disqualify
39 the person under this section from a position which will or may have
40 unsupervised access to children, vulnerable adults, or persons with

1 mental illness or developmental disabilities shall not be
2 disqualified if the department of social and health services reviewed
3 the person's otherwise disqualifying criminal history through the
4 department of social and health services' background assessment
5 review team process conducted in 2002 and determined that such person
6 could remain in a position covered by this section, or if the
7 otherwise disqualifying conviction or disposition has been the
8 subject of a pardon, annulment, or other equivalent procedure.

9 NEW SECTION. **Sec. 33.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 34.** If any part of this act is found to be in
14 conflict with federal requirements that are a prescribed condition to
15 the allocation of federal funds to the state, the conflicting part of
16 this act is inoperative solely to the extent of the conflict and with
17 respect to the agencies directly affected, and this finding does not
18 affect the operation of the remainder of this act in its application
19 to the agencies concerned. Rules adopted under this act must meet
20 federal requirements that are a necessary condition to the receipt of
21 federal funds by the state.

22 NEW SECTION. **Sec. 35.** Sections 2 and 3 of this act constitute a
23 new chapter in Title 9 RCW.

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