
**Consumer Protection & Business
Committee**

HB 2356

Brief Description: Reducing barriers to professional licensure for individuals with previous criminal convictions.

Sponsors: Representatives Vick, Harris, Hoff, Gildon, Barkis, Young, Wylie and Volz.

Brief Summary of Bill

- Creates a preliminary application process for professional licensing in order for persons with criminal convictions to obtain a determination of whether the individual's criminal history will disqualify the individual from obtaining an occupational license.

Hearing Date: 1/22/20

Staff: Robbi Kesler (786-7153).

Background:

The Department of Licensing (DOL) regulates a number of businesses and professions. For regulated professions, the DOL issues licenses and ensures compliance with professional standards and laws.

Examples of professions regulated directly by the DOL, or in coordination with a board or commission, include:

- architects,
- cosmetologists,
- funeral directors,
- real estate brokers, and
- security guards.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Requirements for a professional license, certificate, registration, or permit vary considerably. Some professions may require:

- college level coursework;
- experience;
- an examination;
- some type of background check;
- a surety bond, insurance, or other minimum financial standards;
- minimum safety standards;
- continuing education for licensees; or
- duties of care for clients.

Many professions have provisions for some form of reciprocity or consideration of experience from other states or military service. In addition, the DOL and other licensing authorities must expedite the issuance of a broad range of professional licenses, certificates, registrations, or permits for qualified military spouses.

Summary of Bill:

An individual with a criminal history may submit a preliminary application to the responsible occupational licensing board, within the Department of Licensing (DOL), at any time, including before obtaining any required education or paying any fee, for a determination of whether the individual's criminal history will disqualify the individual from obtaining an professional or occupational license. The occupational board may charge a fee not to exceed \$100 for each preliminary application filed.

Once the preliminary application has been received, the licensing authority shall make a determination of whether the individual's criminal conviction would disqualify the person from obtaining a professional licensing. The licensing authority may disqualify the individual if it determines the individual's criminal conviction is related to the occupation or profession. The determination must be made in writing, within six months after receiving a preliminary application. An individual may appeal the determination of the occupational board.

A person may not file another preliminary application with the same licensing authority within two years after the final decision on the previous preliminary application, except when the applicant has taken action to remedy the disqualification as advised by the licensing board.

An individual's criminal conviction may not disqualify them from obtaining the professional license in any instance where the individual has requested and received a certificate of restoration under state law.

Appropriation: None.

Fiscal Note: Requested on January 15, 2020.

Effective Date: The bill takes effect on July 1, 2021.