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**SUBSTITUTE HOUSE BILL 2356**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Consumer Protection & Business (originally sponsored by Representatives Vick, Harris, Hoff, Gildon, Barkis, Young, Wylie, and Volz)

READ FIRST TIME 01/31/20.

1 AN ACT Relating to reducing barriers to professional licensure  
2 for individuals with previous criminal convictions; adding a new  
3 chapter to Title 18 RCW; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that individuals  
6 with prior criminal convictions, upon completing the terms of one's  
7 sentence, have paid their debt to society, and should be given the  
8 opportunity to be regular and productive members of society by  
9 seeking gainful employment. Recognizing the perils recidivism poses  
10 to the individual, families, public safety, and general well-being,  
11 the legislature should prioritize that removal of these barriers  
12 which prevent these individuals from entering the workforce.

13 (2) It is the intent of the legislature to provide a reliable  
14 process for individuals with past criminal convictions to apply for a  
15 professional license, and to not be prevented from obtaining a  
16 professional license due to a prior criminal conviction which does  
17 not directly relate to the applicable profession, business, or trade.

18 NEW SECTION. **Sec. 2.** (1) An individual who has a criminal  
19 conviction may submit to the appropriate licensing authority a  
20 preliminary application for a professional license, government

1 certification, or state recognition of the individual's personal  
2 qualifications for a determination as to whether the individual's  
3 criminal conviction would disqualify the individual from obtaining  
4 the occupational or professional license, government certification,  
5 or state recognition of the individual's personal qualifications from  
6 that licensing authority. The preliminary application may be  
7 submitted at any time, including prior to obtaining required  
8 education or paying any fee, other than the fee for the preliminary  
9 application under subsection (7) of this section. Only licenses,  
10 certifications, or recognitions administered by the department of  
11 licensing or a board or commission with the support of the department  
12 of licensing are eligible for a determination under this section.

13 (2) The preliminary application may include additional  
14 information about the individual's current circumstances, including  
15 the time since the offense, completion of the criminal sentence,  
16 other evidence of rehabilitation, testimonials, employment history,  
17 and employment aspirations.

18 (3) Upon receipt of a preliminary application under subsection  
19 (2) of this section and a fee if required under subsection (7) of  
20 this section, the appropriate licensing authority shall make a  
21 determination of whether the individual's criminal conviction would  
22 disqualify the individual from obtaining a professional license,  
23 government certification, or state recognition of the individual's  
24 personal qualifications from that licensing authority.

25 (4) The licensing authority shall issue its determination in  
26 writing within six months after receiving a preliminary application  
27 under subsection (2) of this section. If the licensing authority  
28 determines that the individual's criminal conviction would disqualify  
29 the individual, the licensing authority will provide a determination  
30 that includes findings of fact and conclusions of law and may advise  
31 the individual of any action the individual may take to remedy the  
32 disqualification. If the licensing authority finds that the  
33 individual has been convicted of a subsequent criminal conviction, or  
34 that the individual has failed to disclose a conviction, the  
35 licensing authority may rescind a determination upon finding that the  
36 subsequent criminal conviction would be disqualifying under  
37 subsection (3) of this section.

38 (5) The individual may appeal the determination of the licensing  
39 authority. The appeal shall be in accordance with chapter 34.05 RCW.

1           (6) An individual whose preliminary application has been  
2 disqualified shall not file another preliminary application under  
3 this section with the same licensing authority within two years after  
4 the final decision on the previous preliminary application, except  
5 that if the individual has taken action to remedy the  
6 disqualification as advised by the licensing board. If such action  
7 has been taken, the individual may file another preliminary  
8 application under this section with the same licensing authority six  
9 months after the final decision on the previous preliminary  
10 application.

11           (7) A licensing authority may charge a fee not to exceed one  
12 hundred dollars for each preliminary application filed pursuant to  
13 this section. The fee is intended to offset the administrative costs  
14 incurred under this section.

15           NEW SECTION.   **Sec. 3.** An individual's criminal conviction may  
16 not disqualify the individual from obtaining the professional  
17 license, government certification, or state recognition of the  
18 individual's personal qualifications in any instance where the  
19 individual has requested and received a certificate of restoration of  
20 opportunity under RCW 9.97.020. The appropriate licensing authority  
21 may disqualify the individual if it determines the individual's  
22 criminal conviction is related to the occupation or profession.

23           NEW SECTION.   **Sec. 4.** This act takes effect July 1, 2021.

24           NEW SECTION.   **Sec. 5.** Sections 1 through 3 of this act  
25 constitute a new chapter in Title 18 RCW.

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