

FINAL BILL REPORT

HB 1399

C 194 L 21
Synopsis as Enacted

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

Sponsors: Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young.

House Committee on Consumer Protection & Business

House Committee on Appropriations

Senate Committee on Business, Financial Services & Trade

Background:

Professional Licensing.

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.

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

- college-level coursework;
- experience;
- an examination;
- a background check;
- a surety bond, insurance, or other minimum financial standards;
- minimum safety standards;
- continuing education for licensees; or

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- 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.

Certificate of Restoration of Opportunity.

A person with a criminal record may be eligible to obtain a Certificate of Restoration of Opportunity (CROP) from a superior court. To be eligible, specific time periods must have passed since sentencing, supervision, or release from confinement, and an applicant must be in compliance with or have completed all sentencing requirements.

An applicant with any new arrests, convictions, or pending criminal charges or known imminent charges, or who is required to register as a sex offender, is not eligible for a CROP. In addition, an applicant is not eligible if convicted of any of the following: a class A felony, an Attempt to Commit a class A felony, or Criminal Solicitation of or Criminal Conspiracy to commit a class A felony; a sex offense; a crime that includes Sexual Motivation; Extortion in the first degree; Drive-By Shooting; Vehicular Assault; or Luring.

When a qualified applicant holds a CROP and meets all other statutory or regulatory requirements, a licensing authority may not refuse a license, certificate of authority, or qualification to engage in the practice of any profession or business solely based on the applicant's criminal history.

Certain professional licenses are not covered by a CROP, including the following professions regulated by the DOL: accountants; bail bond agents; escrow agents; private investigators; security guards; notaries public; and real estate brokers.

Summary:

An individual with a criminal conviction may submit a preliminary application to the DOL, or a board or commission supported by the DOL, for a determination of whether that criminal history will disqualify the individual from obtaining a professional license. The individual may submit the preliminary application at any time, including before obtaining any required education or paying any licensing fee.

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

A criminal conviction may not disqualify an individual from obtaining a professional license in any instance where the individual has requested and received a CROP.

Votes on Final Passage:

House	98	0	
Senate	47	0	(Senate amended)
House	97	0	(House concurred)

Effective: January 1, 2022