

# FINAL BILL REPORT

## HB 1874

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Synopsis as Enacted

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

**Sponsors:** Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri and Young.

**House Committee on Consumer Protection & Business**  
**Senate Committee on Business, Financial Services & Trade**

### **Background:**

#### Professional Licensing.

The Department of Licensing (DOL) regulates several businesses and professions. For regulated professions, the DOL issues licenses and ensures compliance with professional standards and laws. Requirements for a professional license, certificate, registration, or permit vary considerably.

#### 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. 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 applicants are ineligible for a CROP, and certain professional licenses are not covered by a CROP, including the following professions regulated by the DOL: bail bond agents; private investigators; security guards; notaries public; and real estate brokers and salespersons.

#### Licensing Determinations Available for Those with Criminal Convictions.

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

*Preliminary Applications.*

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. The preliminary application may include additional information about the individual's current circumstances including time since the offense, completion of a criminal sentence, other evidence of rehabilitation, testimonials, employment history, and employment aspirations.

*Written Determinations.*

The licensing authority must make a determination in writing within two months after receiving a preliminary application. If the licensing authority determines an individual's criminal conviction would be disqualifying for a professional license, the licensing authority's written determination must include findings of fact and conclusions of law and may advise the individual of any action that may be taken to remedy the disqualification. An individual may appeal the determination to the licensing authority.

A licensing authority may not disqualify an individual from obtaining a professional license if the individual has received a CROP.

**Summary:**

Licensing Determinations Available for Those with Criminal Convictions.

*Preliminary Applications.*

When making a determination on a preliminary application submitted by an individual with a criminal conviction, the appropriate licensing authority must consider, in addition to existing factors, the following factors:

- the nature and seriousness of the offense;
- the relationship of the offense to the ability, capacity, and fitness required to perform the duties of the selected profession;
- the individual's age at the time of the offense; and
- other evidence, including treatment.

*Written Determinations.*

If a licensing authority determines an individual's criminal conviction would disqualify the individual, the licensing authority must include the following in its written determination:

- the factors that the licensing authority deemed disqualifying;
- actions the individual may take to remedy a disqualification; and
- the earliest date the individual may reapply for a new determination.

The appropriate licensing authority may also not disqualify an individual based on: (1) a conviction that has been sealed, dismissed, expunged, or pardoned; or (2) a juvenile

adjudication.

**Votes on Final Passage:**

House	96	1
Senate	49	0

**Effective:** June 9, 2022