

SENATE BILL REPORT

HB 1874

As Reported by Senate Committee On:
Business, Financial Services & Trade, February 22, 2022

Title: An act relating to reducing barriers to professional licensure for individuals with previous arrests or criminal convictions.

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.

Brief History: Passed House: 1/26/22, 96-1.

Committee Activity: Business, Financial Services & Trade: 2/17/22, 2/22/22 [DP].

Brief Summary of Bill

- Directs licensing authorities to consider a variety of factors when determining eligibility for individuals with previous criminal convictions.
- Directs licensing authorities to provide written documentation when denying eligibility for a license.
- Prohibits licensing authorities from disqualifying an individual based on a juvenile conviction or a conviction that has been sealed, dismissed, expunged, or pardoned.

SENATE COMMITTEE ON BUSINESS, FINANCIAL SERVICES & TRADE

Majority Report: Do pass.

Signed by Senators Mullet, Chair; Hasegawa, Vice Chair; Dozier, Ranking Member; Brown, Frockt, Lovick and Wilson, L.

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.

Staff: Clinton McCarthy (786-7319)

Background: Professional Licensing. The Department of Licensing (DOL) regulates a number of businesses and professions. For regulated professions, 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 DOL: accountants; bail bond agents; escrow agents; private investigators; security guards; notaries public; and real estate brokers and salespersons.

Licensing Determinations Available for Those with Criminal Convictions. In 2021, the Legislature passed HB 1399, which created a process for a person with a criminal conviction to request a determination of whether that criminal history is disqualifying for obtaining a professional license administered by DOL.

Preliminary Applications. An individual with a criminal conviction may submit a preliminary application to DOL, or a board or commission supported by 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 the 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 of receiving a preliminary application, of whether an individual's criminal conviction would disqualify the person from obtaining a professional license. If the licensing authority determines an individual's criminal conviction would disqualify the individual, 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.

The appropriate licensing authority may disqualify an individual if it determines the individual's criminal conviction is related to the occupation or profession, unless the

individual has received a CROP.

Summary of Bill: Licensing authorities are directed to consider the following factors when determining whether an applicant with previous criminal convictions is eligible to be licensed:

- the seriousness of the offense;
- the relationship between the offense to the responsibilities of the profession;
- the age of the individual at the time of the offense;
- the duration of time since the offense occurred;
- the completion of the criminal sentence; and
- other evidence of rehabilitation, treatment, testimonials, employment history and employment aspirations.

The licensing authority is directed to provide a written determination that includes:

- specific factors in determining that the applicant is disqualified from obtaining a license;
- advice on any action the individual may take to remedy the disqualification; and
- the earliest date the individual may apply for a new determination.

Licensing authorities are not allowed to disqualify an individual based on a juvenile conviction or a conviction that has been sealed, dismissed, expunged, or pardoned.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This committee adopted HB 1399, and we want to build on this bill to help people with previous convictions get jobs. Convictions make people ineligible for a large number of jobs. This bill is aimed at removing barriers for employment and gives people an opportunity to have jobs. This allows businesses to determine whether they want to take the risk rather than having the state government make that decision made for them. This is a workforce development bill. If we believe in rehabilitation and redemption, we need to pass this bill. Stable employment will reduce recidivism. This bill will change lives.

Persons Testifying: PRO: Brooke Davies, Justice Action Network; Todd Myers, Washington Policy Center; Susan Mason, What's Next Washington.

Persons Signed In To Testify But Not Testifying: No one.