

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1399

Chapter 194, Laws of 2021

67th Legislature
2021 Regular Session

PROFESSIONAL LICENSURE—PREVIOUS CRIMINAL CONVICTIONS

EFFECTIVE DATE: January 1, 2022

Passed by the House April 14, 2021
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 10, 2021
Yeas 47 Nays 0

DENNY HECK

President of the Senate

Approved May 3, 2021 3:29 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1399** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 3, 2021

**Secretary of State
State of Washington**

HOUSE BILL 1399

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan,
and Young

Read first time 01/27/21. Referred to Committee on Consumer
Protection & Business.

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. Only licenses, certifications, or
9 recognitions administered by the department of licensing or a board
10 or commission with the support of the department of licensing are
11 eligible for a determination under this section.

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

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

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

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

38 (6) An individual whose preliminary application has been
39 disqualified shall not file another preliminary application under
40 this section with the same licensing authority within two years after

1 the final decision on the previous preliminary application, except
2 that if the individual has taken action to remedy the
3 disqualification as advised by the licensing board. If such action
4 has been taken, the individual may file another preliminary
5 application under this section with the same licensing authority six
6 months after the final decision on the previous preliminary
7 application.

8 (7) A licensing authority shall not charge a fee to a person for
9 any preliminary application filed pursuant to this section.

10 NEW SECTION. **Sec. 3.** The appropriate licensing authority may
11 disqualify an individual from obtaining a professional license,
12 government certification, or state recognition if it determines the
13 individual's conviction is related to the occupation or profession
14 unless the individual has requested and received a certificate of
15 restoration of opportunity under RCW 9.97.020.

16 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2022.

17 NEW SECTION. **Sec. 5.** Sections 1 through 4 of this act
18 constitute a new chapter in Title 18 RCW.

Passed by the House April 14, 2021.
Passed by the Senate April 10, 2021.
Approved by the Governor May 3, 2021.
Filed in Office of Secretary of State May 3, 2021.

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