

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1874**

Chapter 32, Laws of 2022

67th Legislature  
2022 Regular Session

PROFESSIONAL LICENSURE—DISQUALIFYING CRIMINAL CONVICTIONS

EFFECTIVE DATE: June 9, 2022

Passed by the House January 26, 2022  
Yeas 96 Nays 1

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 1, 2022  
Yeas 49 Nays 0

DENNY HECK

**President of the Senate**

Approved March 11, 2022 10:28 AM

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 1874** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

March 11, 2022

**Secretary of State  
State of Washington**

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HOUSE BILL 1874

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Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

By Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri, and Young

Read first time 01/11/22. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to reducing barriers to professional licensure  
2 for individuals with previous arrests or criminal convictions; and  
3 amending RCW 18.400.020 and 18.400.030.

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

5 **Sec. 1.** RCW 18.400.020 and 2021 c 194 s 2 are each amended to  
6 read as follows:

7 (1) An individual who has a criminal conviction may submit to the  
8 appropriate licensing authority a preliminary application for a  
9 professional license, government certification, or state recognition  
10 of the individual's personal qualifications for a determination as to  
11 whether the individual's criminal conviction would disqualify the  
12 individual from obtaining the occupational or professional license,  
13 government certification, or state recognition of the individual's  
14 personal qualifications from that licensing authority. The  
15 preliminary application may be submitted at any time, including prior  
16 to obtaining required education or paying any fee. Only licenses,  
17 certifications, or recognitions administered by the department of  
18 licensing or a board or commission with the support of the department  
19 of licensing are eligible for a determination under this section.

20 ~~(2) ((The preliminary application may include additional~~  
21 ~~information about the individual's current circumstances, including~~

1 ~~the~~) In making a determination under this section, the appropriate  
2 licensing authority must consider, but is not limited to, the  
3 following factors:

4 (a) The nature and seriousness of the offense;

5 (b) The relationship of the offense to the ability, capacity, and  
6 fitness required to perform the duties and discharge the  
7 responsibilities of the profession;

8 (c) The age of the person at the time of the offense;

9 (d) The length of time ~~elapsed~~ since the offense (~~(, completion)~~);

10 (e) Completion of the criminal sentence (~~(, other)~~); and

11 (f) Other evidence of rehabilitation, treatment, testimonials,  
12 employment history, and employment aspirations.

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

19 (4) The licensing authority shall issue its determination in  
20 writing within two months after receiving a preliminary application  
21 (~~(under subsection (2) of this section)~~). If the licensing authority  
22 determines that the individual's criminal conviction would disqualify  
23 the individual, the licensing authority will provide a written  
24 determination that (~~includes findings of fact and conclusions of law~~  
25 and may advise):

26 (a) Includes the specific factors in subsection (2) of this  
27 section that the licensing authority deemed disqualifying;

28 (b) Advises the individual of any action the individual may take  
29 to remedy the disqualification; and

30 (c) Provides the earliest date the individual may reapply for a  
31 new determination.

32 (5) If the licensing authority finds that the individual has been  
33 convicted of a subsequent criminal conviction, or that the individual  
34 has failed to disclose a conviction, the licensing authority may  
35 rescind a determination upon finding that the subsequent criminal  
36 conviction would be disqualifying under subsection (3) of this  
37 section.

38 (~~(5)~~) (6) The individual may appeal the determination of the  
39 licensing authority. The appeal shall be in accordance with chapter  
40 34.05 RCW.

1        ~~((6))~~ (7) 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))~~ (8) A licensing authority shall not charge a fee to a  
12 person for any preliminary application filed pursuant to this  
13 section.

14        **Sec. 2.** RCW 18.400.030 and 2021 c 194 s 3 are each amended to  
15 read as follows:

16        (1) When issuing a professional license, government  
17 certification, or state recognition, the appropriate licensing  
18 authority may not disqualify an individual based on:

19        (a) A conviction that has been sealed, dismissed, expunged, or  
20 pardoned; or

21        (b) A juvenile adjudication.

22        (2) The appropriate licensing authority may disqualify an  
23 individual from obtaining a professional license, government  
24 certification, or state recognition if it determines the individual's  
25 conviction is related to the occupation or profession unless the  
26 individual has requested and received a certificate of restoration of  
27 opportunity under RCW 9.97.020.

Passed by the House January 26, 2022.  
Passed by the Senate March 1, 2022.  
Approved by the Governor March 11, 2022.  
Filed in Office of Secretary of State March 11, 2022.

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