
SENATE BILL 5142

State of Washington

61st Legislature

2009 Regular Session

By Senators Regala, Carrell, and Kline

Read first time 01/15/09. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to improving education and employment opportunities
2 for individuals with criminal convictions; adding new sections to
3 chapter 18.235 RCW; creating new sections; and providing an expiration
4 date.

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

6 NEW SECTION. **Sec. 1.** It is the policy of the state of Washington
7 to encourage and contribute to the rehabilitation of felons and to
8 assist them in the assumption of the responsibilities of citizenship.
9 The legislature recognizes that realistic opportunities for meaningful
10 and profitable employment are an essential ingredient to this goal.
11 Occupations that require a license, permit, certificate, or
12 registration to engage in an occupation should not be foreclosed from
13 individuals with a criminal conviction solely on the basis of the
14 conviction. Rather, limitations should be narrowly tailored to meet
15 the requirements of public safety while providing the individual with
16 every opportunity for sustainable employment.

17 Further, individuals with criminal convictions should be able to
18 pursue training or educational opportunities with some certainty that
19 they will be able to realize the end goal of obtaining employment in a

1 chosen field. Whenever possible, licensing entities should provide
2 guidance to those individuals as to those crimes or categories of
3 crimes that may prevent the person from attaining a license, and
4 positive steps that may assist the person in obtaining a license
5 despite a criminal conviction.

6 NEW SECTION. **Sec. 2.** In determining whether a criminal conviction
7 relates to the practice of a person's profession or operation of the
8 person's business, the disciplinary authority shall consider:

9 (1) The nature and seriousness of the crime;

10 (2) The relationship of the crime to the purposes for requiring a
11 license to engage in the occupation;

12 (3) The extent to which a license might offer an opportunity to
13 engage in further criminal activity of the same type as that in which
14 the person previously had been involved; and

15 (4) The relationship of the crime to the ability, capacity, or
16 fitness required to perform the duties and discharge the
17 responsibilities of the licensed profession or business.

18 NEW SECTION. **Sec. 3.** (1) The director of the department of
19 licensing or the director's designee, shall, within existing resources,
20 review and recommend changes to the law and policies relating to
21 licenses regulated by the uniform regulation of business and
22 professions act to encourage the employment of individuals with
23 criminal convictions while ensuring the safety of the public.

24 (2) In conducting the review, the director shall:

25 (a) Consult with the employment security department, the department
26 of corrections, victim service agencies, the state board for community
27 and technical colleges, and nonprofit organizations providing workforce
28 training to released offenders;

29 (b) Require each disciplinary authority to specifically identify:

30 (i) Those crimes or categories of crimes that relate to the
31 practice of a profession or business for which the license is required,
32 utilizing the criteria set forth in section 2 of this act;

33 (ii) The reasons a particular crime or category of crimes is
34 considered to relate to a particular license; and

35 (iii) Any mitigating activities or circumstances that may assist a

1 convicted person in obtaining a license notwithstanding a related
2 criminal conviction;

3 (c) Review the information provided by the disciplinary authorities
4 to ensure that the identified crimes are narrowly tailored to meet the
5 purposes of this act and provide the greatest possible opportunity for
6 convicted persons to obtain employment.

7 (3) The director shall present a report of its findings and
8 recommendations to the governor and the appropriate committees of the
9 legislature, including any proposed legislation, by December 1, 2009.

10 (4) This section expires on January 1, 2010.

11 NEW SECTION. **Sec. 4.** By December 1, 2009, the director shall
12 compile and thereafter maintain a guide to assist individuals with
13 criminal convictions in identifying potential avenues of employment.
14 The guide must include:

15 (1) The crimes or categories of crimes that relate to the practice
16 of a profession or business for each license type;

17 (2) Any known federal rules that may prevent a convicted person
18 from obtaining employment in that area;

19 (3) An indication, if known, of whether local ordinances may
20 prevent a convicted person from obtaining employment in that area; and

21 (4) Mitigating activities or circumstances that may assist a
22 convicted person in obtaining a license notwithstanding a related
23 criminal conviction.

24 NEW SECTION. **Sec. 5.** Sections 2 and 4 of this act are each added
25 to chapter 18.235 RCW.

--- END ---