
Public Safety Committee

HB 1553

Brief Description: Encouraging certificates of restoration of opportunity.

Sponsors: Representatives Walkinshaw, MacEwen, Ryu, Appleton, Moscoso, Holy, Gregerson, Zeiger, Peterson, Farrell, Walsh, Reykdal, Orwall, Pettigrew, Tharinger, Fitzgibbon and Kagi.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates a process by which a person with a criminal record can be granted a certificate of restoration of opportunity, which removes any professional bar imposed solely as a result of the conviction.

Hearing Date: 2/3/15

Staff: Cassie Jones (786-7303).

Background:

Any state, city, county, or other municipal entity is prohibited from disqualifying a person from employment, or any occupation, trade, vocation, or business for which a state or local license, permit, certificate or registration is required solely because of a prior conviction of a felony. However, a prior conviction may be considered in conjunction with other factors. The following exemptions also apply:

1. If the felony is directly related to the employment or profession sought and it has been fewer than 10 years since conviction, the conviction can be the sole reason for a denial.
2. If the position is in the county treasurer's office and the felony was for embezzlement or theft, a person may be disqualified from employment even if more than 10 years have passed since the conviction or guilty plea.
3. If the position is an education position which requires certification or a position with (or contracted with) a school district or educational service district which requires regularly scheduled unsupervised access to children, conviction of a felony against a child, as specified in RCW 28A.400.322, disqualifies a person even if more than 10 years have passed since the conviction or guilty plea.

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

4. Health professions are exempt from the prohibition on disqualification.

Summary of Bill:

If a person holds a certificate of restoration of opportunity (CROP), no state, county, or municipal department, board, officer, or agency authorized to assess the qualifications of any applicant for a license, certificate of authority, qualification to engage in the practice of a profession or business, or for admission to an examination to qualify for such a license or certificate may disqualify a qualified applicant, solely based on the applicant's criminal history, if the applicant meets all other statutory or regulatory requirements.

A CROP may be granted to a person by a superior court if the person meets the following eligibility requirements:

- one year has passed from sentencing for those sentenced by a Washington court to probation, or receiving a deferred sentence or other noncustodial sentencing for a misdemeanor or gross misdemeanor offense or an equivalent juvenile adjudication;
- eighteen months has passed from release from total or partial confinement from a Washington prison or jail or juvenile facility for those sentenced by a Washington court to incarceration for a misdemeanor or gross misdemeanor or an equivalent juvenile adjudication;
- two years have passed from sentencing for those sentenced by a Washington court to probation, or receiving a deferred sentence or other non custodial sentence for a class B or C felony or an equivalent juvenile adjudication;
- two years have passed from release from total confinement from a Washington prison or jail or juvenile facility for those sentenced by a Washington court for a class B or C felony or an equivalent juvenile adjudication;
- three years have passed from sentencing for those sentenced by a Washington court to probation, or receiving a deferred sentence or other noncustodial sentencing for a class A felony or an equivalent juvenile adjudication; or
- three years have passed from release from total or partial confinement from a Washington prison or jail or juvenile facility for those sentenced by a Washington court for a class A felony or an equivalent juvenile adjudication.

All applicants in the above six categories must also meet the following additional requirements:

- is in compliance with or has completed all sentencing requirements except for legal financial obligations (the person must have a payment plan in place and have made at least nine payments in the last 12 months, or have good cause for missing payments);
- was never convicted of a sex offense or a crime with sexual motivation and is not required to register as a sex offender; and
- has not been arrested for nor convicted of a new crime and has no pending criminal charges or known imminent charges.

Exemptions:

1. Criminal justice agencies are exempt and may disqualify an individual who holds a CROP based solely on criminal history.
2. The Washington State Bar Association is exempt and may disqualify an individual who holds a CROP based solely on criminal history.

3. The Department of Social and Health Services has discretion to disqualify an individual who holds a CROP based solely on criminal history if the employment involves unsupervised access to vulnerable adults, children, or individuals with mental illness or developmental disabilities.
4. The Department of Health has discretion to disqualify an individual who holds a CROP based solely on criminal history if practice of the profession involves unsupervised contact with vulnerable adults, children, or individuals with mental illness or developmental disabilities.

Appropriation: None.

Fiscal Note: Requested on January 28, 2015.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.