

HOUSE BILL REPORT

SHB 2356

As Passed House:
February 19, 2020

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

Brief Description: Reducing barriers to professional licensure for individuals with previous criminal convictions.

Sponsors: House Committee on Consumer Protection & Business (originally sponsored by Representatives Vick, Harris, Hoff, Gildon, Barkis, Young, Wylie and Volz).

Brief History:

Committee Activity:

Consumer Protection & Business: 1/22/20, 1/28/20 [DPS];

Appropriations: 2/8/20, 2/10/20 [DPS(CPB)].

Floor Activity:

Passed House: 2/19/20, 98-0.

Brief Summary of Substitute Bill

- Creates a preliminary application process for professional licenses, administered by the Department of Licensing for a person with criminal conviction to obtain a determination of whether the individual's criminal history will disqualify the individual from obtaining an professional license.

HOUSE COMMITTEE ON CONSUMER PROTECTION & BUSINESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Kirby, Chair; Vick, Ranking Minority Member; Hoff, Assistant Ranking Minority Member; Barkis, Blake, Duerr, Dufault, Johnson, J., Ryu, Santos, Volz, Walen and Ybarra.

Staff: Robbi Kesler (786-7153).

HOUSE COMMITTEE ON APPROPRIATIONS

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.

Majority Report: The substitute bill by Committee on Consumer Protection & Business be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, 1st Vice Chair; Bergquist, 2nd Vice Chair; Stokesbary, Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Chopp, Cody, Corry, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Kilduff, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

Staff: Michael Hirsch (786-7157).

Background:

The Department of Licensing (DOL) regulates a number of businesses and professions. For regulated professions, the DOL issues licenses and ensures compliance with professional standards and laws.

Examples of professions regulated directly by the DOL, or in coordination with a board or commission, include:

- architects;
- cosmetologists;
- funeral directors;
- real estate brokers; and
- security guards.

Requirements for a professional license, certificate, registration, or permit vary considerably. Some professions may require:

- college level coursework;
- experience;
- an examination;
- some type of background check;
- a surety bond, insurance, or other minimum financial standards;
- minimum safety standards;
- continuing education for licensees; or
- duties of care for clients.

Many professions have provisions for some form of reciprocity or consideration of experience from other states or military service. In addition, the DOL and other licensing authorities must expedite the issuance of a broad range of professional licenses, certificates, registrations, or permits for qualified military spouses.

Summary of Substitute Bill:

An individual with a criminal history may submit a preliminary application to the Department of Licensing (DOL), or responsible occupational licensing board within the DOL, at any time, including before obtaining any required education or paying any fee, for a determination of whether the individual's criminal history will disqualify the individual from obtaining an professional or occupational license. The DOL may charge a fee not to exceed \$100 for each preliminary application filed.

Once the preliminary application has been received, the licensing authority must make a determination of whether the individual's criminal conviction would disqualify the person from obtaining a professional license. The licensing authority may disqualify the individual if it determines the individual's criminal conviction is related to the occupation or profession. The determination must be made in writing within six months after receiving a preliminary application. An individual may appeal the determination to the DOL.

A person may not file another preliminary application with the same licensing authority within two years after the final decision on the previous preliminary application, except when the applicant has taken action to remedy the disqualification as advised by the licensing board.

An individual's criminal conviction may not disqualify them from obtaining the professional license in any instance where the individual has requested and received a certificate of restoration under state law.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on July 1, 2021.

Staff Summary of Public Testimony (Consumer Protection & Business):

(In support) This bill would be a helpful tool for those who are seeking employment despite a prior criminal conviction to have certainty regarding their ability to obtain a professional license. This bill maintains consideration towards public safety and health, and gives special consideration to the type of conviction and type of license each person is seeking.

(Opposed) None.

(Other) We should give people more opportunity for upward mobility and advancement. There is a growing trend toward giving people the opportunity to get licensed after they have served their time, and studies have found that successful entry to the workforce helps decrease recidivism.

Staff Summary of Public Testimony (Appropriations):

(In support) This bill would give folks who have served their time the opportunity to get into the workforce. A study shows that entry into the labor force decreases recidivism. Occupational licensing requirements can be among the most pernicious barriers faced by ex-prisoners seeking to enter the workforce. Washington has one of the highest percentages of jobs that are covered by occupational licenses in the country.

(Opposed) None.

Persons Testifying (Consumer Protection & Business): (In support) Representative Vick, prime sponsor.

(Other) Todd Myers, Washington Policy Center.

Persons Testifying (Appropriations): Todd Meyers, Washington Policy Center.

Persons Signed In To Testify But Not Testifying (Consumer Protection & Business): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.