

HB 1399 - S COMM AMD

By Committee on Business, Financial Services & Trade

ADOPTED AS AMENDED 04/10/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that
4 individuals with prior criminal convictions, upon completing the
5 terms of one's sentence, have paid their debt to society, and should
6 be given the opportunity to be regular and productive members of
7 society by seeking gainful employment. Recognizing the perils
8 recidivism poses to the individual, families, public safety, and
9 general well-being, the legislature should prioritize that removal of
10 these barriers which prevent these individuals from entering the
11 workforce.

12 (2) It is the intent of the legislature to provide a reliable
13 process for individuals with past criminal convictions to apply for a
14 professional license, and to not be prevented from obtaining a
15 professional license due to a prior criminal conviction which does
16 not directly relate to the applicable profession, business, or trade.

17 NEW SECTION. **Sec. 2.** (1) An individual who has a criminal
18 conviction may submit to the appropriate licensing authority a
19 preliminary application for a professional license, government
20 certification, or state recognition of the individual's personal
21 qualifications for a determination as to whether the individual's
22 criminal conviction would disqualify the individual from obtaining
23 the occupational or professional license, government certification,
24 or state recognition of the individual's personal qualifications from
25 that licensing authority. The preliminary application may be
26 submitted at any time, including prior to obtaining required
27 education or paying any fee, other than the fee for the preliminary
28 application under subsection (7) of this section. Only licenses,
29 certifications, or recognitions administered by the department of
30 licensing or a board or commission with the support of the department
31 of licensing are eligible for a determination under this section.

1 (2) The preliminary application may include additional
2 information about the individual's current circumstances, including
3 the time since the offense, completion of the criminal sentence,
4 other evidence of rehabilitation, testimonials, employment history,
5 and employment aspirations.

6 (3) Upon receipt of a preliminary application under subsection
7 (2) of this section and a fee if required under subsection (7) of
8 this section, the appropriate licensing authority shall make a
9 determination of whether the individual's criminal conviction would
10 disqualify the individual from obtaining a professional license,
11 government certification, or state recognition of the individual's
12 personal qualifications from that licensing authority.

13 (4) The licensing authority shall issue its determination in
14 writing within two months after receiving a preliminary application
15 under subsection (2) of this section. If the licensing authority
16 determines that the individual's criminal conviction would disqualify
17 the individual, the licensing authority will provide a determination
18 that includes findings of fact and conclusions of law and may advise
19 the individual of any action the individual may take to remedy the
20 disqualification. If the licensing authority finds that the
21 individual has been convicted of a subsequent criminal conviction, or
22 that the individual has failed to disclose a conviction, the
23 licensing authority may rescind a determination upon finding that the
24 subsequent criminal conviction would be disqualifying under
25 subsection (3) of this section.

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

28 (6) An individual whose preliminary application has been
29 disqualified shall not file another preliminary application under
30 this section with the same licensing authority within two years after
31 the final decision on the previous preliminary application, except
32 that if the individual has taken action to remedy the
33 disqualification as advised by the licensing board. If such action
34 has been taken, the individual may file another preliminary
35 application under this section with the same licensing authority six
36 months after the final decision on the previous preliminary
37 application.

38 (7) A licensing authority may charge a fee not to exceed \$100 for
39 each preliminary application filed pursuant to this section. The fee

1 is intended to offset the administrative costs incurred under this
2 section.

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

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

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

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12 On page 1, line 2 of the title, after "convictions;" strike the
13 remainder of the title and insert "adding a new chapter to Title 18
14 RCW; and providing an effective date."

EFFECT: Reduces the amount of time the licensing authority has to
make a determination on a preliminary application from six months to
two months.

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