

HB 1399 - S COMM AMD

By Committee on Business, Financial Services & Trade

ADOPTED AND ENGROSSED 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. Only licenses, certifications, or
28 recognitions administered by the department of licensing or a board
29 or commission with the support of the department of licensing are
30 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, the appropriate licensing authority shall make a
8 determination of whether the individual's criminal conviction would
9 disqualify the individual from obtaining a professional license,
10 government certification, or state recognition of the individual's
11 personal qualifications from that licensing authority.

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

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

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

37 (7) A licensing authority shall not charge a fee to a person for
38 any preliminary application filed pursuant to this section.

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

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

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

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

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