
Consumer Protection & Business Committee

HB 1874

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

Sponsors: Representatives Vick, Dufault, Hoff, Jacobsen, Leavitt, Simmons, Corry, Senn, Peterson, Goodman, Riccelli, Davis, Macri and Young.

Brief Summary of Bill

- Revises the process for an individual with a criminal conviction to request a determination of whether that criminal history is disqualifying for obtaining a professional license administered by the Department of Licensing (DOL).

Hearing Date: 1/17/22

Staff: Michelle Rusk (786-7153).

Background:

Professional Licensing.

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. Requirements for a professional license, certificate, registration, or permit vary considerably.

Certificate of Restoration of Opportunity

A person with a criminal record may be eligible to obtain a Certificate of Restoration of Opportunity (CROP) from a superior court. When a qualified applicant holds a CROP and meets

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all other statutory or regulatory requirements, a licensing authority may not refuse a license, certificate of authority, or qualification to engage in the practice of any profession or business solely based on the applicant's criminal history.

Certain applicants are ineligible for a CROP, and certain professional licenses are not covered by a CROP, including the following professions regulated by the DOL: accountants; bail bond agents; escrow agents; private investigators; security guards; notaries public; and real estate brokers and salespersons.

Licensing Determinations Available for Those with Criminal Convictions

Preliminary Applications

An individual with a criminal conviction may submit a preliminary application to the DOL, or a board or commission supported by the DOL, for a determination of whether that criminal history will disqualify the individual from obtaining a professional license. The individual may submit the preliminary application at any time, including before obtaining any required education or paying any licensing fee. The preliminary application may include additional information about the individual's current circumstances, including time since the offense, completion of the criminal sentence, other evidence of rehabilitation, testimonials, employment history, and employment aspirations.

Written Determinations

The licensing authority must make a determination in writing, within two months of receiving a preliminary application, of whether an individual's criminal conviction would disqualify the person from obtaining a professional license. If the licensing authority determines an individual's criminal conviction would disqualify the individual, the licensing authority's written determination must include findings of fact and conclusions of law, and may advise the individual of any action that can be taken to remedy the disqualification. An individual may appeal the determination to the licensing authority.

The appropriate licensing authority may disqualify an individual if it determines the individual's criminal conviction is related to the occupation or profession, unless the individual has received a CROP.

Summary of Bill:

Licensing Determinations Available for Those with Criminal Convictions

Preliminary Applications

When making a determination on a preliminary application submitted by an individual who has a criminal conviction, the appropriate licensing authority must consider, in addition to existing factors, the following factors:

- the nature and seriousness of the offense;
- the relationship of the offense to the ability, capacity, and fitness to perform the duties and

- responsibilities of the selected profession;
- the individual's age at the time of the offense; and
- other evidence, including treatment.

Written Determinations

If the licensing authority determines an individual's criminal conviction would disqualify the individual, the licensing authority must include the following in its written determination:

- the factors the licensing authority deemed disqualifying;
- actions the individual may take to remedy a disqualification; and
- the earliest date the individual may reapply for a new determination.

The appropriate licensing authority may also not disqualify an individual based on (1) a conviction that has been sealed, dismissed, expunged, or pardoned; or (2) a juvenile adjudication.

Appropriation: None.

Fiscal Note: Requested on January 11, 2022

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