

# HOUSE BILL REPORT

## HB 1874

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**As Passed House:**

January 26, 2022

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

**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 History:**

**Committee Activity:**

Consumer Protection & Business: 1/17/22, 1/20/22 [DP].

**Floor Activity:**

Passed House: 1/26/22, 96-1.

**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.

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### HOUSE COMMITTEE ON CONSUMER PROTECTION & BUSINESS

**Majority Report:** Do pass. Signed by 7 members: Representatives Kirby, Chair; Walen, Vice Chair; Vick, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Corry, Ryu and Santos.

**Staff:** Michelle Rusk (786-7153).

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

## **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 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 may 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 that 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:** Available.

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

#### **Staff Summary of Public Testimony:**

(In support) This bill builds on legislation passed unanimously last year in both chambers which changed how the Department of Licensing would determine whether people with criminal records are eligible for a license, by expanding on those opportunities to get a license. Successful entry into the labor force is shown to greatly increase the chances that a former prisoner will not re-offend, but government barriers to reintegrating into the labor force, including occupational licenses, can be a barrier to those with criminal records to finding a new career and getting a new start. Laws restricting licensing opportunities for workers with criminal records have also been shown to have a disproportionate impact on black and Hispanic workers. This is a workforce development bill. It is important to

promote public policy encouraging people who are working hard to obtain professional licensure so that they can succeed in the workforce, provide for their families, and become productive, law-abiding citizens. The additional reforms in House Bill 1874 will help reduce recidivism and help provide businesses with qualified workers.

(Opposed) None.

**Persons Testifying:** Representative Steve Kirby; Todd Myers, Washington Policy Center; and Brooke Davies, Justice Action Network.

**Persons Signed In To Testify But Not Testifying:** None.