

SENATE BILL REPORT

HB 1399

As of March 17, 2021

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: Representatives Vick, Kirby, Jacobsen, Simmons, Dufault, Dolan and Young.

Brief History: Passed House: 3/1/21, 98-0.

Committee Activity: Business, Financial Services & Trade: 3/18/21.

Brief Summary of Bill

- Creates a process for a person 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.

SENATE COMMITTEE ON BUSINESS, FINANCIAL SERVICES & TRADE

Staff: Clinton McCarthy (786-7319)

Background: Professional Licensing. The Department of Licensing (DOL) regulates a number of businesses and professions. For regulated professions, DOL issues licenses and ensures compliance with professional standards and laws. Examples of professions regulated directly by DOL, or in coordination with a board or commission, include:

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

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.

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

- college-level coursework;
- experience;
- an examination;
- a 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. DOL and other licensing authorities must expedite issuance of a broad range of professional licenses, certificates, registrations, or permits for qualified military spouses.

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. To be eligible, specific time periods must have passed since sentencing, supervision, or release from confinement, and an applicant must be in compliance with or completed all sentencing requirements, including legal financial obligations.

An applicant with any new arrests, convictions, or pending criminal charges or known imminent charges, or who is required to register as a sex offender, is not eligible for a CROP. An applicant is not eligible if convicted of any of the following: a class A felony, an attempt to commit a class A felony, or criminal solicitation of or criminal conspiracy to commit a class A felony; a sex offense; a crime that includes sexual motivation; extortion in the first degree; drive-by shooting; vehicular assault; or luring.

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

Summary of Bill: An individual with a criminal conviction may submit a preliminary application to DOL, or a board or commission supported by 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. 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 determine 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 profession. The determination must be made in writing within six months after receiving a preliminary application. An individual may appeal the determination to the licensing authority. 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.

A criminal conviction may not disqualify an individual from obtaining a professional license in any instance where the individual has requested and received a CROP.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill takes effect on January 1, 2022.