

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1874

67th Legislature
2022 Regular Session

Passed by the House January 26, 2022
Yeas 96 Nays 1

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2022
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1874** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1874

Passed Legislature - 2022 Regular Session

State of Washington

67th Legislature

2022 Regular Session

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

Read first time 01/11/22. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to reducing barriers to professional licensure
2 for individuals with previous arrests or criminal convictions; and
3 amending RCW 18.400.020 and 18.400.030.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 18.400.020 and 2021 c 194 s 2 are each amended to
6 read as follows:

7 (1) An individual who has a criminal conviction may submit to the
8 appropriate licensing authority a preliminary application for a
9 professional license, government certification, or state recognition
10 of the individual's personal qualifications for a determination as to
11 whether the individual's criminal conviction would disqualify the
12 individual from obtaining the occupational or professional license,
13 government certification, or state recognition of the individual's
14 personal qualifications from that licensing authority. The
15 preliminary application may be submitted at any time, including prior
16 to obtaining required education or paying any fee. Only licenses,
17 certifications, or recognitions administered by the department of
18 licensing or a board or commission with the support of the department
19 of licensing are eligible for a determination under this section.

20 ~~(2) ((The preliminary application may include additional~~
21 ~~information about the individual's current circumstances, including~~

1 ~~the~~) In making a determination under this section, the appropriate
2 licensing authority must consider, but is not limited to, the
3 following factors:

4 (a) The nature and seriousness of the offense;

5 (b) The relationship of the offense to the ability, capacity, and
6 fitness required to perform the duties and discharge the
7 responsibilities of the profession;

8 (c) The age of the person at the time of the offense;

9 (d) The length of time ~~elapsed~~ since the offense (~~(, completion)~~);

10 (e) Completion of the criminal sentence (~~(, other)~~); and

11 (f) Other evidence of rehabilitation, treatment, testimonials,
12 employment history, and employment aspirations.

13 (3) Upon receipt of a preliminary application (~~(under subsection~~
14 ~~(2) of this section)~~), the appropriate licensing authority shall make
15 a determination of whether the individual's criminal conviction would
16 disqualify the individual from obtaining a professional license,
17 government certification, or state recognition of the individual's
18 personal qualifications from that licensing authority.

19 (4) The licensing authority shall issue its determination in
20 writing within two months after receiving a preliminary application
21 (~~(under subsection (2) of this section)~~). If the licensing authority
22 determines that the individual's criminal conviction would disqualify
23 the individual, the licensing authority will provide a written
24 determination that (~~includes findings of fact and conclusions of law~~
25 and may advise):

26 (a) Includes the specific factors in subsection (2) of this
27 section that the licensing authority deemed disqualifying;

28 (b) Advises the individual of any action the individual may take
29 to remedy the disqualification; and

30 (c) Provides the earliest date the individual may reapply for a
31 new determination.

32 (5) If the licensing authority finds that the individual has been
33 convicted of a subsequent criminal conviction, or that the individual
34 has failed to disclose a conviction, the licensing authority may
35 rescind a determination upon finding that the subsequent criminal
36 conviction would be disqualifying under subsection (3) of this
37 section.

38 (~~(5)~~) (6) The individual may appeal the determination of the
39 licensing authority. The appeal shall be in accordance with chapter
40 34.05 RCW.

1 ~~((6))~~ (7) An individual whose preliminary application has been
2 disqualified shall not file another preliminary application under
3 this section with the same licensing authority within two years after
4 the final decision on the previous preliminary application, except
5 that if the individual has taken action to remedy the
6 disqualification as advised by the licensing board. If such action
7 has been taken, the individual may file another preliminary
8 application under this section with the same licensing authority six
9 months after the final decision on the previous preliminary
10 application.

11 ~~((7))~~ (8) A licensing authority shall not charge a fee to a
12 person for any preliminary application filed pursuant to this
13 section.

14 **Sec. 2.** RCW 18.400.030 and 2021 c 194 s 3 are each amended to
15 read as follows:

16 (1) When issuing a professional license, government
17 certification, or state recognition, the appropriate licensing
18 authority may not disqualify an individual based on:

19 (a) A conviction that has been sealed, dismissed, expunged, or
20 pardoned; or

21 (b) A juvenile adjudication.

22 (2) The appropriate licensing authority may disqualify an
23 individual from obtaining a professional license, government
24 certification, or state recognition if it determines the individual's
25 conviction is related to the occupation or profession unless the
26 individual has requested and received a certificate of restoration of
27 opportunity under RCW 9.97.020.

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