
HOUSE BILL 2225

State of Washington

68th Legislature

2024 Regular Session

By Representatives Thai, Santos, Ormsby, and Reed

Read first time 01/09/24. Referred to Committee on Consumer Protection & Business.

1 AN ACT Relating to giving people with criminal records who are
2 rehabilitated a fresh start in occupational licensing in Washington;
3 and amending RCW 18.400.020, 18.400.030, and 9.96A.020.

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

5 **Sec. 1.** RCW 18.400.020 and 2022 c 32 s 1 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.

1 (2) 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;

10 (e) Completion of the criminal sentence; and

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

13 (3) Upon receipt of a preliminary application, the appropriate
14 licensing authority shall make a determination of whether the
15 individual's criminal conviction would disqualify the individual from
16 obtaining a professional license, government certification, or state
17 recognition of the individual's personal qualifications from that
18 licensing authority. Before issuing a determination, the appropriate
19 licensing authority shall allow the individual to have an informal
20 meeting with the licensing authority or designated staff to address
21 the factors in subsection (2) of this section. The informal meeting
22 may be held in person, by telephone, or by videoconference, and the
23 meeting may include witnesses. The licensing authority may not draw
24 an adverse inference from an individual's decision not to participate
25 in an informal meeting.

26 (4) The licensing authority shall issue its determination in
27 writing within two months after receiving a preliminary application
28 or holding the informal meeting, whichever is later. If the licensing
29 authority determines that the individual's criminal conviction would
30 disqualify the individual, the licensing authority will provide a
31 written determination that:

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

34 (b) Advises the individual of any action the individual may take
35 to remedy the disqualification; ~~((and))~~

36 (c) Provides the earliest date the individual may reapply for a
37 new determination; and

38 (d) Advises the individual of the right to appeal the
39 determination in accordance with chapter 34.05 RCW.

1 (5) If the licensing authority finds that the individual has been
2 convicted of a subsequent criminal conviction, or that the individual
3 has failed to disclose a conviction, the licensing authority may
4 rescind a determination upon finding that the subsequent criminal
5 conviction would be disqualifying under subsection (3) of this
6 section.

7 (6) The individual may appeal the determination of the licensing
8 authority. The appeal shall be in accordance with chapter 34.05 RCW.

9 (7) An individual whose preliminary application has been
10 disqualified shall not file another preliminary application under
11 this section with the same licensing authority within two years after
12 the final decision on the previous preliminary application, except
13 that if the individual has taken action to remedy the
14 disqualification as advised by the licensing board. If such action
15 has been taken, the individual may file another preliminary
16 application under this section with the same licensing authority six
17 months after the final decision on the previous preliminary
18 application.

19 (8) A licensing authority shall not charge a fee to a person for
20 any preliminary application filed pursuant to this section.

21 (9) All licensing authorities shall publish on their website
22 information about the preliminary application process, including the
23 application and notice of the individual's right to appeal a
24 determination of the licensing authority.

25 **Sec. 2.** RCW 18.400.030 and 2022 c 32 s 2 are each amended to
26 read as follows:

27 (1) When issuing a professional license, government
28 certification, or state recognition, and considering a preliminary
29 application, the appropriate licensing authority may not disqualify
30 an individual based on a:

31 (a) ~~((A conviction))~~ Conviction that has been sealed, dismissed,
32 expunged, vacated, overturned, or pardoned; ~~((or))~~

33 (b) ~~((A juvenile))~~ Juvenile adjudication;

34 (c) Deferred adjudication or participation in a diversion
35 program;

36 (d) Nonviolent misdemeanor; or

37 (e) Conviction older than three years for which the individual
38 was not incarcerated, or a conviction for which the individual's
39 incarceration ended more than three years before the date of the

1 licensing authority's consideration, except for a conviction of a
2 felony related to a criminal sexual act; aggravated assault;
3 aggravated robbery; aggravated abuse, neglect, or endangerment of a
4 child; arson; carjacking; kidnapping; or manslaughter, homicide, and
5 murder.

6 (2) The appropriate licensing authority may disqualify an
7 individual from obtaining a professional license, government
8 certification, or state recognition if it determines the individual's
9 conviction is related to the occupation or profession unless the
10 individual has requested and received a certificate of restoration of
11 opportunity under RCW 9.97.020.

12 **Sec. 3.** RCW 9.96A.020 and 2016 c 81 s 6 are each amended to read
13 as follows:

14 (1) Subject to the exceptions in subsections (3) through (5) of
15 this section, and unless there is another provision of law to the
16 contrary, a person is not disqualified from employment by the state
17 of Washington or any of its counties, cities, towns, municipal
18 corporations, or quasi-municipal corporations, nor is a person
19 disqualified to practice, pursue or engage in any occupation, trade,
20 vocation, or business for which a license, permit, certificate or
21 registration is required to be issued by the state of Washington or
22 any of its counties, cities, towns, municipal corporations, or quasi-
23 municipal corporations solely because of a prior conviction of a
24 felony or misdemeanor. However, this section does not preclude the
25 fact of ~~((any))~~ a prior conviction of a crime from being considered,
26 except the following criminal convictions may not be considered:

27 (a) A conviction that has been sealed, dismissed, expunged,
28 vacated, overturned, or pardoned;

29 (b) A juvenile adjudication;

30 (c) A deferred adjudication or participation in a diversion
31 program;

32 (d) A nonviolent misdemeanor; or

33 (e) A conviction older than three years for which the individual
34 was not incarcerated, or a conviction for which the individual's
35 incarceration ended more than three years before the date of the
36 licensing authority's consideration, except for a conviction of a
37 felony related to a criminal sexual act; aggravated assault;
38 aggravated robbery; aggravated abuse, neglect, or endangerment of a

1 child; arson; carjacking; kidnapping; or manslaughter, homicide, and
2 murder.

3 (2) A person may be denied employment by the state of Washington
4 or any of its counties, cities, towns, municipal corporations, or
5 quasi-municipal corporations, or a person may be denied a license,
6 permit, certificate or registration to pursue, practice or engage in
7 an occupation, trade, vocation, or business by reason of the prior
8 conviction of a felony if the felony for which he or she was
9 convicted directly relates to the position of employment sought or to
10 the specific occupation, trade, vocation, or business for which the
11 license, permit, certificate or registration is sought, and the time
12 elapsed since the conviction is less than (~~ten~~) 10 years, except as
13 provided in RCW 9.97.020. However, for positions in the county
14 treasurer's office, a person may be disqualified from employment
15 because of a prior guilty plea or conviction of a felony involving
16 embezzlement or theft, even if the time elapsed since the guilty plea
17 or conviction is (~~ten~~) 10 years or more.

18 (3) A person is disqualified for any certificate required or
19 authorized under chapters 28A.405 or 28A.410 RCW, because of a prior
20 guilty plea or the conviction of a felony crime specified under RCW
21 28A.400.322, even if the time elapsed since the guilty plea or
22 conviction is (~~ten~~) 10 years or more.

23 (4) A person is disqualified from employment by school districts,
24 educational service districts, and their contractors hiring employees
25 who will have regularly scheduled unsupervised access to children,
26 because of a prior guilty plea or conviction of a felony crime
27 specified under RCW 28A.400.322, even if the time elapsed since the
28 guilty plea or conviction is (~~ten~~) 10 years or more, except as
29 provided in RCW 9.97.020.

30 (5) The provisions of this chapter do not apply to issuance of
31 licenses or credentials for professions regulated under chapter
32 18.130 RCW.

33 (6) Subsections (3) and (4) of this section as they pertain to
34 felony crimes specified under RCW 28A.400.322(1) apply to a person
35 applying for a certificate or for employment on or after July 25,
36 1993, and before July 26, 2009. Subsections (3) and (4) of this
37 section as they pertain to all felony crimes specified under RCW
38 28A.400.322(2) apply to a person applying for a certificate or for
39 employment on or after July 26, 2009. Subsection (5) of this section

1 only applies to a person applying for a license or credential on or
2 after June 12, 2008.

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