

RCW 9.97.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Qualified applicant" means any adult or juvenile who meets the following requirements:

(a) (i) One year has passed from sentencing for those sentenced by a Washington state court to probation, or receiving a deferred sentence or other noncustodial sentencing for a misdemeanor or gross misdemeanor offense or an equivalent juvenile adjudication; or

(ii) Eighteen months have passed from release from total or partial confinement from a Washington prison or jail or juvenile facility for those sentenced by a Washington state court to incarceration for a misdemeanor or gross misdemeanor or an equivalent juvenile adjudication; or

(iii) Two years have passed from sentencing for those sentenced by a Washington state court to probation, or receiving a deferred sentence or other noncustodial sentencing for a class B or C felony or an equivalent juvenile adjudication; or

(iv) Two years have passed from release from total or partial confinement from a Washington prison or jail or juvenile facility for those sentenced by a Washington state court for a class B or C felony or an equivalent juvenile adjudication; or

(v) Five years have passed from sentencing for those sentenced by a Washington state court to probation, or receiving a deferred sentence or other noncustodial sentencing for a violent offense as defined in RCW 9.94A.030 or an equivalent juvenile adjudication; or

(vi) Five years have passed from release from total or partial confinement from a Washington prison or jail or juvenile facility for those sentenced by a Washington state court for a violent offense as defined in RCW 9.94A.030 or an equivalent juvenile adjudication;

(b) Is in compliance with or has completed all sentencing requirements imposed by a court including:

(i) Has paid in full all court-ordered legal financial obligations;

(ii) Is fully compliant with a payment plan for court-ordered legal financial obligations; or

(iii) Is out of compliance with a payment plan for court-ordered legal financial obligations but has established good cause with the court for any noncompliance with the payment plan;

(c) Has never been convicted of a class A felony, an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, a sex offense as defined in RCW 9.94A.030, a crime that includes sexual motivation pursuant to RCW 9.94A.835, 13.40.135, or 9.94A.535(3)(f), extortion in the first degree under RCW 9A.56.120, drive-by shooting under RCW 9A.36.045, vehicular assault under RCW 46.61.522(1) (a) or (b), or luring under RCW 9A.40.090, and is not required to register as a sex offender pursuant to RCW 9A.44.130; and

(d) Has not been arrested for nor convicted of a new crime and has no pending criminal charge, and there is no information presented to a qualified court that such a charge is imminent.

(2) "Qualified court" means any Washington superior court in the county where an applicant resides or that has sentenced or adjudicated the applicant. If the sentencing or adjudicating court was a court of limited jurisdiction then a qualified court is the superior court in the county of the applicant's conviction or adjudication. [2016 c 81 § 2.]

Finding—2016 c 81: "The legislature finds that employment is a key factor to the successful reintegration to society of people with criminal histories, and is critical to reducing recidivism, promoting public safety, and encouraging personal responsibility.

Occupational licensing and employment laws regulate many professions as well as unskilled and semiskilled occupations. Examples of regulated occupations include alcohol servers, barbers and cosmetologists, body piercers, commercial fishers, contractors, drivers, embalmers, engineers, health care workers, insurance adjusters, real estate professionals, tattoo artists, and waste management workers. Individuals with criminal histories may meet the competency requirements for these occupations through training, experience, or education, but may be disqualified from them based on their criminal history.

Certificates of restoration of opportunity help reduce some barriers to employment for adults and juveniles by providing an opportunity for individuals to become more employable and to more successfully reintegrate into society after they have served their sentence, demonstrated a period of law-abiding behavior consistent with successful reentry, and have turned their lives around following a conviction. Applicants for a certificate must also meet all other statutory licensing requirements.

Certificates of restoration of opportunity offer potential public and private employers or housing providers concrete and objective information about an individual under consideration for an opportunity. These certificates can facilitate the successful societal reintegration of individuals with a criminal history whose behavior demonstrates that they are taking responsibility for their past criminal conduct and pursuing a positive law-abiding future. A certificate of restoration of opportunity provides a process for people previously sentenced by a Washington court who have successfully changed their lives to seek a court document confirming their changed circumstances.

A certificate of restoration of opportunity does not affect any employer's or housing provider's discretion to individually assess every applicant and to hire or rent to the applicants of their choice. Employers will not have to forego hiring their chosen applicants because they face statutory bars that prevent obtaining the necessary occupational credentials." [2016 c 81 § 1.]

Conflict with federal requirements—2016 c 81: "If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state." [2016 c 81 § 20.]