

CERTIFICATION OF ENROLLMENT

**ENGROSSED HOUSE BILL 1747**

69th Legislature  
2025 Regular Session

Passed by the House March 11, 2025  
Yeas 56 Nays 40

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**Speaker of the House of  
Representatives**

Passed by the Senate April 10, 2025  
Yeas 27 Nays 22

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**President of the Senate**

Approved

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**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 **ENGROSSED HOUSE BILL 1747** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED HOUSE BILL 1747

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Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

By Representatives Ortiz-Self, Berry, Scott, Obras, Fosse, Goodman, Farivar, Taylor, Fitzgibbon, Reed, Gregerson, Ormsby, Parshley, Cortes, Hill, Pollet, and Ramel

Read first time 01/30/25. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to expanding protections for applicants and  
2 employees under the Washington fair chance act; amending RCW  
3 49.94.005, 49.94.010, and 49.94.030; creating a new section; and  
4 prescribing penalties.

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

6 **Sec. 1.** RCW 49.94.005 and 2018 c 38 s 1 are each amended to read  
7 as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) "Adult conviction record" means any record of or information  
11 about criminal conduct resulting in an adult criminal conviction,  
12 finding of guilt, or other finding adverse to the subject, including  
13 an acquittal due to a finding of not guilty by reason of insanity, a  
14 dismissal by reason of incompetency, or a dismissal entered after a  
15 period of probation, suspension, or deferral of sentence. It also  
16 includes information related to the conviction or other finding  
17 adverse to the subject including, but not limited to, any citation,  
18 arrest record, or probable cause statement.

19 (2) "Arrest record" means any record of or information about an  
20 arrest or pending charge for criminal conduct without a conviction,

1 adjudication, finding of guilt, or other finding adverse to the  
2 subject.

3 (3) "Criminal record" includes any record of or information about  
4 a citation or arrest for criminal conduct, including records relating  
5 to probable cause to arrest, and includes any record about ((a)) an  
6 adult criminal or juvenile case filed with any court, whether or not  
7 the case resulted in a finding of guilt.

8 ((+2)) (4) "Employer" includes public agencies, private  
9 individuals, businesses and corporations, contractors, temporary  
10 staffing agencies, training and apprenticeship programs, and job  
11 placement, referral, and employment agencies.

12 ((+3)) (5) "Juvenile conviction record" means any record of or  
13 information about a juvenile adjudication or other finding of guilt  
14 pursuant to Title 13 RCW or other juvenile court system. It also  
15 includes information related to the conviction or other finding  
16 adverse to the subject including, but not limited to, any citation,  
17 arrest record, or probable cause statement.

18 (6) "Legitimate business reason" means that, based on information  
19 known to the employer at the time the employer makes the decision  
20 regarding a tangible adverse employment action, the employer believes  
21 in good faith that the nature of the criminal conduct underlying the  
22 adult conviction record will:

23 (a) Have a negative impact on the employee's or applicant's  
24 fitness or ability to perform the position sought or held; or

25 (b) Harm or cause injury to people, property, business  
26 reputation, or business assets, and the employer has considered the  
27 following factors, and documented as such in accordance with RCW  
28 49.94.010:

29 (i) The seriousness of the conduct underlying the adult  
30 conviction record;

31 (ii) The number and types of convictions;

32 (iii) The time that has elapsed since the conviction, excluding  
33 periods of incarceration;

34 (iv) Any verifiable information related to the individual's  
35 rehabilitation, good conduct, work experience, education, and  
36 training, as provided by the individual;

37 (v) The specific duties and responsibilities of the position  
38 sought or held; and

39 (vi) The place and manner in which the position will be  
40 performed.

1       (7) "Otherwise qualified" means that the applicant meets the  
2       basic criteria for the position as set out in the advertisement or  
3       job description without consideration of a criminal record.

4       (8) "Tangible adverse employment action" means a decision by an  
5       employer to reject an otherwise qualified job applicant, or to  
6       terminate, suspend, discipline, demote, or deny a promotion to an  
7       employee.

8       **Sec. 2.** RCW 49.94.010 and 2018 c 38 s 2 are each amended to read  
9       as follows:

10       (1) An employer may not include any question on any application  
11       for employment, inquire either orally or in writing, receive  
12       information through a criminal history background check, or otherwise  
13       obtain information about an applicant's criminal record until after  
14       the employer initially determines that the applicant is otherwise  
15       qualified for the position(~~((Once the employer has initially~~  
16       ~~determined that the applicant is otherwise qualified, the employer~~  
17       ~~may inquire into or obtain information about a))~~ and makes an offer  
18       of employment conditioned on obtaining the applicant's criminal  
19       record.

20       (2) An employer may not advertise employment openings in a way  
21       that excludes people with criminal records from applying. Ads that  
22       state "no felons," "no criminal background," or otherwise convey  
23       similar messages are prohibited.

24       (3) An employer may not implement any policy or practice that  
25       automatically or categorically excludes individuals with a criminal  
26       record from (~~(consideration prior to an initial determination that~~  
27       ~~the applicant is otherwise qualified for the))~~ any employment  
28       position. ((Prohibited policies and practices include rejecting)) An  
29       employer may not reject an applicant for failure to disclose a  
30       criminal record prior to (~~(initially determining the applicant is~~  
31       ~~otherwise qualified for the position))~~ receiving a conditional offer  
32       of employment.

33       (4) (a) An employer may not carry out a tangible adverse  
34       employment action based on an applicant's or employee's arrest record  
35       or juvenile conviction record.

36       (b) This subsection does not apply to an adult arrest in which an  
37       individual is out on bail or released on their own personal  
38       recognizance pending trial.

1       (5) (a) An employer may not carry out a tangible adverse  
2 employment action solely based on an applicant's or employee's adult  
3 conviction record, unless the employer has a legitimate business  
4 reason for taking such action.

5       (b) Before carrying out any tangible adverse employment action  
6 under this subsection, the employer shall notify the applicant or  
7 employee and identify to the applicant or employee the record on  
8 which the employer is relying for purposes of assessing its  
9 legitimate business reason. The employer shall hold open the position  
10 for a minimum of two business days to provide the applicant or  
11 employee a reasonable opportunity to correct or explain the record or  
12 provide information on the applicant's or employee's rehabilitation,  
13 good conduct, work experience, education, and training.

14       (c) If an employer makes a tangible adverse employment decision  
15 following the reasonable opportunity under (b) of this subsection,  
16 the employer shall provide the applicant or employee with a written  
17 decision, including specific documentation as to its reasoning and  
18 assessment of each of the relevant factors, including the impact of  
19 the conviction on the position or business operations, and its  
20 consideration of the applicant's or employee's rehabilitation, good  
21 conduct, work experience, education, and training.

22       (6) An employer may not carry out any tangible adverse employment  
23 action against any employee because the employee, or a person acting  
24 on behalf of the employee, makes a good faith report, orally or in  
25 writing, to the employer, the attorney general, a labor organization,  
26 or others of a violation or suspected violation of this section or  
27 otherwise informs others of the requirements of this section.

28       (7) This section does not apply to:

29       (a) Any employer hiring a person who will or may have  
30 unsupervised access to children under the age of eighteen, a  
31 vulnerable adult as defined in chapter 74.34 RCW, or a vulnerable  
32 person as defined in RCW 9.96A.060;

33       (b) Any employer, including a financial institution, who is  
34 expressly permitted or required under any federal or state law to  
35 inquire into, consider, or rely on information about an applicant's  
36 or employee's criminal record for employment purposes;

37       (c) Employment by a general or limited authority Washington law  
38 enforcement agency as defined in RCW 10.93.020 or by a criminal  
39 justice agency as defined in RCW 10.97.030 (5) (b);

40       (d) An employer seeking a nonemployee volunteer; ((~~or~~))

1 (e) Any entity required to comply with the rules or regulations  
2 of a self-regulatory organization, as defined in section 3(a)(26) of  
3 the securities and exchange act of 1934, 15 U.S.C. 78c(a)(26); or

4 (f) Any employer with respect to a position entailing work under  
5 a federal contract that specifically prohibits people with criminal  
6 records from working under that contract.

7 (8)(a) Nothing in this section prohibits:

8 (i) An employer from accurately disclosing to the applicant that  
9 the position is subject to a background check after a conditional  
10 offer of employment; or

11 (ii) An applicant from voluntarily disclosing, without  
12 solicitation by the employer, information about the applicant's  
13 criminal record during an interview.

14 (b) If an employer or an applicant makes a disclosure under (a)  
15 of this subsection, the employer must immediately:

16 (i) Inform the applicant in writing of the requirements of  
17 subsections (1), (3), (4), and (5) of this section; and

18 (ii) Provide the applicant the attorney general's Washington fair  
19 chance act guide for employers and job applicants.

20 **Sec. 3.** RCW 49.94.030 and 2018 c 38 s 4 are each amended to read  
21 as follows:

22 (1) The state attorney general's office shall enforce this  
23 chapter. Its powers to enforce this chapter include the authority to:

24 (a) Investigate violations of this chapter on its own initiative;

25 (b) Investigate violations of this chapter in response to  
26 complaints and seek remedial relief for the complainant;

27 (c) Educate the public about how to comply with this chapter;

28 (d) Issue written civil investigative demands for pertinent  
29 documents, answers to written interrogatories, or oral testimony as  
30 required to enforce this chapter;

31 (e) Adopt rules implementing this chapter including rules  
32 specifying applicable penalties; and

33 (f) Pursue administrative sanctions or a lawsuit in the courts  
34 for penalties, costs, and attorneys' fees.

35 (2) ~~((In exercising its powers, the attorney general's office~~  
36 ~~shall utilize a stepped enforcement approach, by first educating~~  
37 ~~violators, then warning them, then taking legal, including~~  
38 ~~administrative, action.))~~ (a) For purposes of administrative  
39 sanctions, the attorney general's office may waive penalties for

1 first time or de minimis violations of this chapter, and instead  
2 provide education and a warning to deter future noncompliance. The  
3 attorney general's office may impose administrative sanctions and  
4 pursue appropriate legal action for second and subsequent violations.

5 (b) Maximum monetary penalties for administrative sanctions are  
6 as follows: ((A notice of violation and offer of agency assistance  
7 for the first violation; a monetary penalty of up to seven hundred  
8 fifty dollars for the second violation; and a monetary penalty of up  
9 to one thousand dollars for each subsequent violation.))

10 (i) \$1,500 for the first violation, except where a waiver has  
11 been granted under this section;

12 (ii) \$3,000 for the second violation;

13 (iii) \$15,000 for each subsequent violation.

14 (c) A penalty under (b) of this subsection must be imposed per  
15 aggrieved job applicant, employee, or party for each violation. The  
16 penalty accrues for the benefit of and is payable to the job  
17 applicant, employee, or other aggrieved party. If there is no  
18 identifiable job applicant, employee, or aggrieved person for the  
19 violation, the penalty is retained by the attorney general.

20 (d) The attorney general may pursue legal action to obtain unpaid  
21 wages, unpaid administrative penalties, damages, and reasonable  
22 attorneys' fees and costs.

23 NEW SECTION. Sec. 4. (1) This act applies to employers with 15  
24 or more employees beginning July 1, 2026.

25 (2) This act applies to employers with fewer than 15 employees  
26 beginning January 1, 2027.

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