

HOUSE BILL REPORT

HB 1189

As Passed Legislature

Title: An act relating to dissemination of criminal history information.

Brief Description: Revising provisions relating to dissemination of criminal history information by the Washington state patrol.

Sponsors: Representatives Robertson, Chappell, Padden, Thompson, Blanton, Sheahan, Basich, McMahan and Dickerson; by request of Washington State Patrol.

Brief History:

Committee Activity:

Law & Justice: 1/31/95, 2/10/95 [DP];

Appropriations: 2/28/95, 3/1/95 [DP].

Floor Activity:

Passed House: 3/8/95, 98-0.

Passed Legislature.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Pat Shelledy (786-7149).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass. Signed by 28 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers; Valle; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; G. Fisher; Foreman; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

Staff: Jim Lux (786-7152).

Background:

Employer Requested Background Checks:

Employers may ask the Washington State Patrol to conduct a criminal history background check of a prospective or current employee under a variety of circumstances.

One provision of current law requires employers to submit a written request. Current technology allows requests to be submitted electronically.

Fingerprint Identification Account:

School districts must request a record check of a prospective employee before hiring an employee that will have unsupervised access to children. The record check must include a fingerprint check. The State Patrol may only charge for the incremental costs associated with checking fingerprints in addition to name and date of birth.

All receipts from incremental charges of fingerprint checks requested by school districts are deposited in a fingerprint identification account in the State Treasurer's custody. Receipts for fingerprint checks by the Federal Bureau of Investigation may also be deposited in the account. Expenditures from the account may be used only for the cost of record checks. Only the Chief of the State Patrol or the Chief's designee may authorize expenditures from the account.

The fingerprint identification account is currently an unappropriated account, but an appropriation will be required for expenditures from the account after June 30, 1995. The Governor's budget contemplates that the account will remain unappropriated until July 1, 1997.

Summary of Bill:

Employer Requested Background Checks:

Employers may request background checks from the Washington State Patrol electronically as well as in writing.

Fingerprint Identification Account:

All receipts from incremental charges of fingerprints requested for noncriminal justice purposes and electronic background requests must be deposited in the fingerprint identification account.

The fingerprint identification account will remain an unappropriated account through June 30, 1997. On and after July 1, 1997, the account will be subject to

appropriation. If the Governor's budget proposal is adopted, this bill is necessary to implement the budget.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Law & Justice) The number of requests for background checks for noncriminal purposes has increased dramatically and will continue to increase due to new federal and state laws. Background checks are currently processed manually. Because various statutes impose deadlines on processing checks for noncriminal purposes, the Washington State Patrol is behind in updating criminal history data and processing requests for criminal purposes. This bill will allow checks to be conducted much more efficiently and with less staff.

(Appropriations) The requests for background checks are increasing and can be more efficiently handled electronically. By being more efficient, the handling of background checks should be less costly and better service to employers will result.

Testimony Against: (Law & Justice) None.

(Appropriations) None.

Testified: (Law & Justice) Representative Robertson, prime sponsor (pro); and Tim Erickson and John Broome, Washington State Patrol (pro).

(Appropriations) Bob Leichner and John Broome, Washington State Patrol (pro).