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SENATE BILL 6136

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State of Washington

55th Legislature

1998 Regular Session

By Senators Oke and Long

Read first time 01/12/98. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to drug offenses in background checks; and amending  
2 RCW 43.43.830.

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

4 **Sec. 1.** RCW 43.43.830 and 1996 c 178 s 12 are each amended to read  
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout RCW 43.43.830 through 43.43.840.

8 (1) "Applicant" means:

9 (a) Any prospective employee who will or may have unsupervised  
10 access to children under sixteen years of age or developmentally  
11 disabled persons or vulnerable adults during the course of his or her  
12 employment or involvement with the business or organization;

13 (b) Any prospective volunteer who will have regularly scheduled  
14 unsupervised access to children under sixteen years of age,  
15 developmentally disabled persons, or vulnerable adults during the  
16 course of his or her employment or involvement with the business or  
17 organization under circumstances where such access will or may involve  
18 groups of (i) five or fewer children under twelve years of age, (ii)

1 three or fewer children between twelve and sixteen years of age, (iii)  
2 developmentally disabled persons, or (iv) vulnerable adults; or

3 (c) Any prospective adoptive parent, as defined in RCW 26.33.020.

4 (2) "Business or organization" means a business or organization  
5 licensed in this state, any agency of the state, or other governmental  
6 entity, that educates, trains, treats, supervises, houses, or provides  
7 recreation to developmentally disabled persons, vulnerable adults, or  
8 children under sixteen years of age, including but not limited to  
9 public housing authorities, school districts, and educational service  
10 districts.

11 (3) "Civil adjudication" means a specific court finding of sexual  
12 abuse or exploitation or physical abuse in a dependency action under  
13 RCW 13.34.040 or in a domestic relations action under Title 26 RCW. In  
14 the case of vulnerable adults, civil adjudication means a specific  
15 court finding of abuse or financial exploitation in a protection  
16 proceeding under chapter 74.34 RCW. It does not include administrative  
17 proceedings. The term "civil adjudication" is further limited to court  
18 findings that identify as the perpetrator of the abuse a named  
19 individual, over the age of eighteen years, who was a party to the  
20 dependency or dissolution proceeding or was a respondent in a  
21 protection proceeding in which the finding was made and who contested  
22 the allegation of abuse or exploitation.

23 (4) "Conviction record" means "conviction record" information as  
24 defined in RCW 10.97.030(3) relating to a crime against children or  
25 other persons committed by either an adult or a juvenile. It does not  
26 include a conviction for an offense that has been the subject of an  
27 expungement, pardon, annulment, certificate of rehabilitation, or other  
28 equivalent procedure based on a finding of the rehabilitation of the  
29 person convicted, or a conviction that has been the subject of a  
30 pardon, annulment, or other equivalent procedure based on a finding of  
31 innocence. It does include convictions for offenses for which the  
32 defendant received a deferred or suspended sentence, unless the record  
33 has been expunged according to law.

34 (5) "Crime against children or other persons" means a conviction of  
35 any of the following offenses: Aggravated murder; first or second  
36 degree murder; first or second degree kidnaping; first, second, or  
37 third degree assault; first, second, or third degree assault of a  
38 child; first, second, or third degree rape; first, second, or third  
39 degree rape of a child; first or second degree robbery; first degree

1 arson; first degree burglary; first or second degree manslaughter;  
2 first or second degree extortion; indecent liberties; incest; vehicular  
3 homicide; first degree promoting prostitution; communication with a  
4 minor; unlawful imprisonment; simple assault; sexual exploitation of  
5 minors; first or second degree criminal mistreatment; child abuse or  
6 neglect as defined in RCW 26.44.020; first or second degree custodial  
7 interference; malicious harassment; first, second, or third degree  
8 child molestation; first or second degree sexual misconduct with a  
9 minor; first or second degree rape of a child; patronizing a juvenile  
10 prostitute; child abandonment; promoting pornography; selling or  
11 distributing erotic material to a minor; custodial assault; violation  
12 of child abuse restraining order; child buying or selling;  
13 prostitution; felony indecent exposure; criminal abandonment;  
14 manufacture, delivery, or possession with intent to manufacture or  
15 deliver, of a controlled substance; or any of these crimes as they may  
16 be renamed in the future.

17 (6) "Crimes relating to financial exploitation" means a conviction  
18 for first, second, or third degree extortion; first, second, or third  
19 degree theft; first or second degree robbery; forgery; or any of these  
20 crimes as they may be renamed in the future.

21 (7) "Disciplinary board final decision" means any final decision  
22 issued by a disciplining authority under chapter 18.130 RCW or the  
23 secretary of the department of health for the following businesses or  
24 professions:

- 25 (a) Chiropractic;
- 26 (b) Dentistry;
- 27 (c) Dental hygiene;
- 28 (d) Massage;
- 29 (e) Midwifery;
- 30 (f) Naturopathy;
- 31 (g) Osteopathic medicine and surgery;
- 32 (h) Physical therapy;
- 33 (i) Physicians;
- 34 (j) Practical nursing;
- 35 (k) Registered nursing; and
- 36 (l) Psychology.

37 "Disciplinary board final decision," for real estate brokers and  
38 salespersons, means any final decision issued by the director of the  
39 department of licensing for real estate brokers and salespersons.

1 (8) "Unsupervised" means not in the presence of:

2 (a) Another employee or volunteer from the same business or  
3 organization as the applicant; or

4 (b) Any relative or guardian of any of the children or  
5 developmentally disabled persons or vulnerable adults to which the  
6 applicant has access during the course of his or her employment or  
7 involvement with the business or organization.

8 (9) "Vulnerable adult" means "vulnerable adult" as defined in  
9 chapter 74.34 RCW, except that for the purposes of requesting and  
10 receiving background checks pursuant to RCW 43.43.832, it shall also  
11 include adults of any age who lack the functional, mental, or physical  
12 ability to care for themselves.

13 (10) "Financial exploitation" means the illegal or improper use of  
14 a vulnerable adult or that adult's resources for another person's  
15 profit or advantage.

16 (11) "Agency" means any person, firm, partnership, association,  
17 corporation, or facility which receives, provides services to, houses  
18 or otherwise cares for vulnerable adults.

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