

# SENATE BILL REPORT

## ESB 5346

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As Passed Senate, March 9, 1999

**Title:** An act relating to dissemination of criminal history record information to the Washington horse racing commission.

**Brief Description:** Authorizing dissemination of criminal history record information to the horse racing commission.

**Sponsors:** Senators Prentice, Heavey, West, Roach and Winsley.

**Brief History:**

**Committee Activity:** Commerce, Trade, Housing & Financial Institutions: 2/2/99, 2/9/99 [DP].

Passed Senate, 3/9/99, 42-5.

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### SENATE COMMITTEE ON COMMERCE, TRADE, HOUSING & FINANCIAL INSTITUTIONS

**Majority Report:** Do pass.

Signed by Senators Prentice, Chair; Shin, Vice Chair; Deccio, Gardner, Hale, Heavey, Rasmussen, T. Sheldon and Winsley.

**Staff:** Catherine Mele (786-7470)

**Background:** The Washington State Horse Racing Commission licenses, regulates, and supervises parimutuel horse racing in Washington State. The Horse Racing Commission has five commissioners and four ex-officio legislative members.

The Horse Racing Commission approved 5,565 licenses in 1998. The commission requires licensure for all individuals who participate in racing at a race track. Examples of individuals licensed by the commission include jockeys, horse owners, trainers, veterinarians, horse grooms and exercise riders. The Horse Racing Commission also licenses racing associations.

During the licensing background investigation process, the commission considers the criminal background of each applicant. An applicant's criminal background may contain two types of data. Conviction data includes all arrests, detentions, or other formal charges and their disposition. In addition, conviction data includes arrests that are pending and less than one year old. Nonconviction data includes arrests, detentions, and formal criminal charges which have not led to convictions and which are not currently pending. Nonconviction data also includes arrests with no disposition that are over one year old.

Concerns exist that the Horse Racing Commission cannot adequately perform licensing background investigations without access to nonconviction data.

**Summary of Bill:** Criminal history record information that includes nonconviction data may be given to the Horse Racing Commission for use in licensing background investigations and for use in determining suitability for involvement in horse racing activities. Nonconviction data obtained by the Horse Racing Commission can only be released to other criminal justice agencies.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** It is the Horse Racing Commission's duty to license individuals in the racing industry. Race tracks have many restricted areas, and the commission must assure the integrity of these areas so that the public has confidence that races are not corrupt. When the commission uses this data, it is used in the strictest confidence. The Racing Commission needs this legislation to obtain nonconviction data from other states. Data from other states is vital to our licensing process because licensees often travel from state to state. The horse racing industry supports this legislation, and wants the commission to thoroughly investigate individuals licensed in Washington.

**Testimony Against:** None.

**Testified:** PRO: Bruce Batson, Walt Stout, Steve Hiatt, WA Horse Racing Commission; Frank J. Warnke, WA Horsemen's Action Commission; Jim Halstrom, NW Racing Assn., Emerald Downs; Captain Eric Roberston, WA State Patrol.