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ENGROSSED SUBSTITUTE SENATE BILL 5668

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State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Education (originally sponsored by Senators West, T. Sheldon, Patterson, Heavey, Snyder, Oke, Costa and Rasmussen)

Read first time 03/03/1999.

1 AN ACT Relating to criminal records checks for school employees and  
2 volunteers; amending RCW 43.43.834; and adding a new section to chapter  
3 28A.320 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320  
6 RCW to read as follows:

7 If a volunteer alerts a school district that the volunteer has  
8 undergone a criminal records check in accordance with applicable state  
9 law, including RCW 10.97.050, 28A.400.303, 28A.410.010, or 43.43.830  
10 through 43.43.845, within the two years before the time the volunteer  
11 is volunteering in the school, then the school may request that the  
12 volunteer furnish the school with a copy of the criminal history record  
13 information or sign a release to the business, school, organization,  
14 criminal justice agency, or juvenile justice or care agency, or other  
15 state agency that originally obtained the criminal history record  
16 information to permit the record information to be shared with the  
17 school. Once the school requests the information from the business,  
18 school, organization, or agency the information shall be furnished to  
19 the school. Any business, school, organization, agency, or its

1 employee or official that shares the criminal history record  
2 information with the requesting school in accordance with this section  
3 is immune from criminal and civil liability for dissemination of the  
4 information.

5 If the criminal history record information is shared, the school  
6 must require the volunteer to sign a disclosure statement indicating  
7 that there has been no conviction since the completion date of the most  
8 recent criminal background inquiry.

9 **Sec. 2.** RCW 43.43.834 and 1998 c 10 s 3 are each amended to read  
10 as follows:

11 (1) A business or organization shall not make an inquiry to the  
12 Washington state patrol under RCW 43.43.832 or an equivalent inquiry to  
13 a federal law enforcement agency unless the business or organization  
14 has notified the applicant who has been offered a position as an  
15 employee or volunteer, that an inquiry may be made.

16 (2) A business or organization shall require each applicant to  
17 disclose to the business or organization whether the applicant has  
18 been:

19 (a) Convicted of any crime against children or other persons;

20 (b) Convicted of crimes relating to financial exploitation if the  
21 victim was a vulnerable adult;

22 (c) Convicted of crimes related to drugs as defined in RCW  
23 43.43.830;

24 (d) Found in any dependency action under RCW 13.34.040 to have  
25 sexually assaulted or exploited any minor or to have physically abused  
26 any minor;

27 (e) Found by a court in a domestic relations proceeding under Title  
28 26 RCW to have sexually abused or exploited any minor or to have  
29 physically abused any minor;

30 (f) Found in any disciplinary board final decision to have sexually  
31 or physically abused or exploited any minor or developmentally disabled  
32 person or to have abused or financially exploited any vulnerable adult;  
33 or

34 (g) Found by a court in a protection proceeding under chapter 74.34  
35 RCW, to have abused or financially exploited a vulnerable adult.

36 The disclosure shall be made in writing and signed by the applicant  
37 and sworn under penalty of perjury. The disclosure sheet shall specify  
38 all crimes against children or other persons and all crimes relating to

1 financial exploitation as defined in RCW 43.43.830 in which the victim  
2 was a vulnerable adult.

3 (3) The business or organization shall pay such reasonable fee for  
4 the records check as the state patrol may require under RCW 43.43.838.

5 (4) The business or organization shall notify the applicant of the  
6 state patrol's response within ten days after receipt by the business  
7 or organization. The employer shall provide a copy of the response to  
8 the applicant and shall notify the applicant of such availability.

9 (5) The business or organization shall use this record only in  
10 making the initial employment or engagement decision. Further  
11 dissemination or use of the record is prohibited, except as provided in  
12 section 1 of this act. A business or organization violating this  
13 subsection is subject to a civil action for damages.

14 (6) An insurance company shall not require a business or  
15 organization to request background information on any employee before  
16 issuing a policy of insurance.

17 (7) The business and organization shall be immune from civil  
18 liability for failure to request background information on an applicant  
19 unless the failure to do so constitutes gross negligence.

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