
SENATE BILL 5668

State of Washington

56th Legislature

1999 Regular Session

By Senators West, T. Sheldon, Patterson, Heavey, Snyder, Oke, Costa and Rasmussen

Read first time 02/01/1999. Referred to Committee on Education.

1 AN ACT Relating to criminal records checks for school employees and
2 volunteers; and amending RCW 43.43.832.

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

4 **Sec. 1.** RCW 43.43.832 and 1997 c 392 s 524 are each amended to
5 read as follows:

6 (1) The legislature finds that businesses and organizations
7 providing services to children, developmentally disabled persons, and
8 vulnerable adults need adequate information to determine which
9 employees or licensees to hire or engage. The legislature further
10 finds that many developmentally disabled individuals and vulnerable
11 adults desire to hire their own employees directly and also need
12 adequate information to determine which employees or licensees to hire
13 or engage. Therefore, the Washington state patrol criminal
14 identification system shall disclose, upon the request of a business or
15 organization as defined in RCW 43.43.830, a developmentally disabled
16 person, or a vulnerable adult as defined in RCW 43.43.830 or his or her
17 guardian, an applicant's record for convictions of offenses against
18 children or other persons, convictions for crimes relating to financial
19 exploitation, but only if the victim was a vulnerable adult,

1 adjudications of child abuse in a civil action, the issuance of a
2 protection order against the respondent under chapter 74.34 RCW, and
3 disciplinary board final decisions and any subsequent criminal charges
4 associated with the conduct that is the subject of the disciplinary
5 board final decision.

6 (2) The legislature also finds that the state board of education
7 may request of the Washington state patrol criminal identification
8 system information regarding a certificate applicant's record for
9 convictions under subsection (1) of this section.

10 (3) The legislature also finds that law enforcement agencies, the
11 office of the attorney general, prosecuting authorities, and the
12 department of social and health services may request this same
13 information to aid in the investigation and prosecution of child,
14 developmentally disabled person, and vulnerable adult abuse cases and
15 to protect children and adults from further incidents of abuse.

16 (4) The legislature further finds that the department of social and
17 health services must consider the information listed in subsection (1)
18 of this section in the following circumstances:

19 (a) When considering persons for state positions directly
20 responsible for the care, supervision, or treatment of children,
21 developmentally disabled persons, or vulnerable adults;

22 (b) When licensing agencies or facilities with individuals in
23 positions directly responsible for the care, supervision, or treatment
24 of children, developmentally disabled persons, or vulnerable adults,
25 including but not limited to agencies or facilities licensed under
26 chapter 74.15 or 18.51 RCW;

27 (c) When contracting with individuals or businesses or
28 organizations for the care, supervision, or treatment of children,
29 developmentally disabled persons, or vulnerable adults, including but
30 not limited to services contracted for under chapter 18.20, 18.48,
31 70.127, 70.128, 72.36, or 74.39A RCW or Title 71A RCW.

32 (5) Whenever a state conviction record check is required by state
33 law, persons may be employed or engaged as volunteers or independent
34 contractors on a conditional basis pending completion of the state
35 background investigation. Whenever a national criminal record check
36 through the federal bureau of investigation is required by state law,
37 a person may be employed or engaged as a volunteer or independent
38 contractor on a conditional basis pending completion of the national
39 check. The Washington personnel resources board shall adopt rules to

1 accomplish the purposes of this subsection as it applies to state
2 employees.

3 (6)(a) For purposes of facilitating timely access to criminal
4 background information and to reasonably minimize the number of
5 requests made under this section, recognizing that certain health care
6 providers change employment frequently, health care facilities may,
7 upon request from another health care facility, share copies of
8 completed criminal background inquiry information.

9 (b) Completed criminal background inquiry information may be shared
10 by a willing health care facility only if the following conditions are
11 satisfied: The licensed health care facility sharing the criminal
12 background inquiry information is reasonably known to be the person's
13 most recent employer, no more than twelve months has elapsed from the
14 date the person was last employed at a licensed health care facility to
15 the date of their current employment application, and the criminal
16 background information is no more than two years old.

17 (c) If criminal background inquiry information is shared, the
18 health care facility employing the subject of the inquiry must require
19 the applicant to sign a disclosure statement indicating that there has
20 been no conviction or finding as described in RCW 43.43.842 since the
21 completion date of the most recent criminal background inquiry.

22 (d) Any health care facility that knows or has reason to believe
23 that an applicant has or may have a disqualifying conviction or finding
24 as described in RCW 43.43.842, subsequent to the completion date of
25 their most recent criminal background inquiry, shall be prohibited from
26 relying on the applicant's previous employer's criminal background
27 inquiry information. A new criminal background inquiry shall be
28 requested pursuant to RCW 43.43.830 through 43.43.842.

29 (e) Health care facilities that share criminal background inquiry
30 information shall be immune from any claim of defamation, invasion of
31 privacy, negligence, or any other claim in connection with any
32 dissemination of this information in accordance with this subsection.

33 (f) Health care facilities shall transmit and receive the criminal
34 background inquiry information in a manner that reasonably protects the
35 subject's rights to privacy and confidentiality.

36 (g) For the purposes of this subsection, "health care facility"
37 means a nursing home licensed under chapter 18.51 RCW, a boarding home
38 licensed under chapter 18.20 RCW, or an adult family home licensed
39 under chapter 70.128 RCW.

1 (7)(a) Recognizing that certain nonprofit organizations provide
2 school-based volunteers, such an organization may, upon request from a
3 school district to which the organization provides volunteers, share
4 copies of completed criminal background inquiry information concerning
5 an applicant with that school district.

6 (b) Completed criminal background inquiry information may be shared
7 by a nonprofit organization only if the criminal background inquiry
8 information is no more than two years old.

9 (c) If criminal background inquiry information is shared, the
10 nonprofit organization providing the volunteer must require the
11 applicant to sign a disclosure statement indicating that there has been
12 no conviction or finding as described in RCW 43.43.842 since the
13 completion date of the most recent criminal background inquiry.

14 (d) Any school district that knows or has reason to believe that an
15 applicant has or may have a disqualifying conviction or finding as
16 described in RCW 43.43.842, subsequent to the completion date of the
17 nonprofit organization's most recent criminal background inquiry, shall
18 be prohibited from relying on the nonprofit organization's criminal
19 background inquiry information concerning that applicant. A new
20 criminal background inquiry shall be requested pursuant to RCW
21 28A.400.303 or 43.43.830 through 43.43.842.

22 (e) Nonprofit organizations that share criminal background inquiry
23 information shall be immune from any claim of defamation, invasion of
24 privacy, negligence, or any other claim in connection with any
25 dissemination of the information in accordance with this subsection.

26 (f) Nonprofit organizations shall transmit and school districts
27 shall receive the criminal background inquiry information in a manner
28 that reasonably protects the subject's rights to privacy and
29 confidentiality.

30 (g) For the purposes of this subsection, "nonprofit organization"
31 means an organization as defined in RCW 43.43.830 that provides school-
32 based volunteers and that holds a current tax exempt status as provided
33 under 26 U.S.C. Sec. 501(c)(3) or is specifically exempted from the
34 requirement to apply for its tax exempt status under 26 U.S.C. Sec.
35 501(c)(3).

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