

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE SENATE BILL 5668

56th Legislature
1999 Regular Session

Passed by the Senate March 12, 1999
YEAS 48 NAYS 0

President of the Senate

Passed by the House April 6, 1999
YEAS 93 NAYS 0

**Speaker of the
House of Representatives**

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE SENATE BILL 5668** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 5668

Passed Legislature - 1999 Regular Session

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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