

SENATE BILL REPORT

SB 6491

As Passed Senate, February 16, 2002

Title: An act relating to meeting federal standards for criminal background checks for the liquor control board and the gambling commission.

Brief Description: Changing provisions relating to criminal history background checks by state agencies.

Sponsors: Senators Prentice and Winsley; by request of Gambling Commission and Liquor Control Board.

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 1/29/02 [DP].

Passed Senate: 2/16/02, 47-0.

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Fairley, Franklin, Gardner, Hochstatter, Honeyford, Rasmussen, Regala and Winsley.

Staff: David Cheal (786-7576)

Background: The commercial operation of gambling activities and the sale of alcoholic beverages require a license from the state Gambling Commission or the Liquor Control Board.. The Gambling Commission and the Liquor Control Board conduct criminal history background checks on their license applicants. One of the resources for these background checks is the Federal Bureau of Investigation (FBI) data base.

The FBI recently completed a review of Washington State statutes and is requiring that they specifically reference national checks in order to properly authorize the use of FBI records in the screening of license applicants. The FBI has established a deadline for compliance of May 1, 2002, for statutory compliance with federal law. Without compliance, the state agencies would not have access to the FBI information after that date.

Summary of Bill: The powers and duties section of the Gambling Commission statute is amended to expressly authorize national criminal history background checks. National checks require fingerprints to be submitted to the FBI. The commission must adopt rules to determine which persons named on the license application are subject to the national criminal history checks.

The Liquor Control Board is expressly authorized to utilize the FBI for criminal history background checks of license applicants. Submissions to the FBI must be accompanied by fingerprints of the applicant. The same provision is added to the surviving spouse of a

licensee, who under current law is allowed to have the license of their deceased spouse transferred to them if certain conditions are met.

The rule-making authority of the Liquor Control Board is amended to authorize the adoption of rules to implement national checks using the FBI system. The fingerprinting requirement is also included in this rule-making section.

Appropriation: None.

Fiscal Note: Requested on January 28, 2002.

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

Testimony For: This bill, if enacted, will allow us to continue what we've been doing for a long time, which is using the FBI national data base for our criminal history background checks of license applicants. Because it is not a new activity, there is no fiscal impact. We believe it is a very important part of our investigations.

Testimony Against: None.

Testified: PRO: Rick Day, Washington State Gambling Commission; Rick Garza, Washington State Liquor Control Board.