

SHB 2556 - H AMD 871

By Representative O'Brien

ADOPTED 02/13/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that criminal history
4 record information background checks for employment purposes are
5 rapidly increasing in Washington state. While the demand for criminal
6 history record information background checks is growing, the existing
7 criminal history record information background check data transmission
8 infrastructure and processes are not adequate to keep pace with the
9 growing demand. Furthermore, employers are concerned with the current
10 system's ability to quickly secure results. Without adequate data
11 transmission infrastructure and processes to encourage efficient
12 criminal history record information background checks and to receive
13 results quickly, a public safety risk is created. This is especially
14 true when new or prospective employees will be working with children.

15 The legislature has learned that some states have recently
16 developed comprehensive criminal history record information background
17 check programs. These programs focus on making criminal history record
18 information background checks easily accessible to employers and
19 prospective employees and have eliminated long response times.

20 NEW SECTION. **Sec. 2.** (1) A joint task force on criminal
21 background check processes is established. The joint task force shall
22 consist of the following members:

23 (a) Two members from each of the two largest caucuses of the
24 senate, appointed by the president of the senate; at least one member
25 from each caucus shall be a member of the senate children and family
26 services and corrections committee;

27 (b) Two members from each of the two largest caucuses of the house
28 of representatives, appointed by the speaker of the house of

1 representatives; at least one member from each caucus shall be a member
2 of the house criminal justice and corrections committee;

3 (c) The chief of the Washington state patrol, or the chief's
4 designee;

5 (d) The secretary of the department of social and health services,
6 or the secretary's designee;

7 (e) The state superintendent of public instruction, or the
8 superintendent's designee;

9 (f) An elected sheriff or police chief, selected by the Washington
10 association of sheriffs and police chiefs; and

11 (g) The following seven members, jointly appointed by the speaker
12 of the house of representatives and the president of the senate:

13 (i) A representative from a nonprofit service organization that
14 serves primarily children under sixteen years of age;

15 (ii) A health care provider as defined in RCW 7.70.020;

16 (iii) A representative from a business or organization that serves
17 primarily developmentally disabled persons or vulnerable adults;

18 (iv) A representative from a local youth athletic association;

19 (v) A representative from the insurance industry; and

20 (vi) Two representatives from a local parks and recreation program;
21 one member shall be selected by the association of Washington cities
22 and one member shall be selected by the Washington association of
23 counties.

24 (2) The task force shall choose two cochairs from among its
25 membership.

26 (3) The task force shall review and make recommendations to the
27 legislature and the governor regarding the criminal background check
28 process. In preparing the recommendations, the committee shall, at a
29 minimum, review the following issues:

30 (a) What state and federal statutes require regarding criminal
31 background checks;

32 (b) What criminal offenses are currently reportable through the
33 criminal background check program;

34 (c) What information is available through the Washington state
35 patrol and the federal bureau of investigation criminal background
36 check systems;

1 (d) What are the best practices among organizations for obtaining
2 criminal background checks on their employees and volunteers;

3 (e) What is the feasibility and costs for businesses and
4 organizations to do periodic background checks;

5 (f) What is the feasibility of requiring all businesses and
6 organizations, including nonprofit entities, to conduct criminal
7 background checks for all employees, contractors, agents, and
8 volunteers who have regularly scheduled supervised or unsupervised
9 access to children, developmentally disabled persons, or vulnerable
10 adults; and

11 (g) A review of the benefits and obstacles of implementing a
12 criminal history record information background check program created by
13 the national child protection act of 1993. The national child
14 protection act of 1993 increases the availability of criminal history
15 record information background checks for employers who have employees
16 or volunteers who work with children, elderly persons, or persons with
17 disabilities.

18 (4) The task force, where feasible, may consult with individuals
19 from the public and private sector.

20 (5) The task force shall use legislative facilities and staff from
21 senate committee services and the house office of program research.

22 NEW SECTION. **Sec. 3.** (1) In consultation with the Washington
23 state patrol, the Washington association of sheriffs and police chiefs
24 shall conduct a study on criminal history record information background
25 check technology and process. The study shall focus on how Washington
26 state can reduce delays in the criminal history record information
27 background check processing time and how Washington state can make
28 criminal history record information background checks more accessible
29 and efficient.

30 (2) The study shall include, but is not limited to:

31 (a) A review and analysis of the criminal history record
32 information background check programs in states that have recently
33 implemented or are soon to implement comprehensive criminal history
34 record information background check programs;

35 (b) Recommendations on how a comprehensive criminal history record

1 information background check program should be designed in Washington
2 state, and how much a comprehensive program would cost to implement in
3 Washington state;

4 (c) A review of how a comprehensive criminal history record
5 information background check program could be paid for in Washington
6 state, which includes a determination on whether the program could be
7 funded solely by user fees.

8 NEW SECTION. **Sec. 4.** (1) The findings and recommendations from
9 the Washington association of sheriffs and police chiefs shall be
10 presented to the joint task force no later than November 30, 2004.

11 (2) The joint task force on criminal background check processes
12 shall report its findings and recommendations to the legislature by
13 December 31, 2004.

14 NEW SECTION. **Sec. 5.** This act expires January 31, 2005."

15 Correct the title.

EFFECT: In addition to requiring the WASPC and the WSP to conduct a study on how to improve the criminal background check process, this amendment creates a joint task force to study the issue. The task force will consist of House and Senate members, state and local agency designees that use criminal background check information on a regular basis, as well as other representatives from organizations that serve primarily children and vulnerable adults. The task force will review current statutes, costs, and response times for criminal background checks. In addition, the task force must determine what the best practices are among organizations for obtaining criminal background checks on their employees and volunteers, and determine the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees and volunteers who have regularly scheduled supervised or unsupervised access to children, developmentally disabled persons, or vulnerable adults.

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