

ESHB 2556 - S COMM AMD

By Committee on Children & Family Services & Corrections

ADOPTED 03/03/2004

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) The chief of the Washington state patrol, or the chief's
24 designee;

25 (b) The secretary of the department of social and health services,
26 or the secretary's designee;

27 (c) The state superintendent of public instruction, or the
28 superintendent's designee;

1 (d) An elected sheriff or police chief, selected by the Washington
2 association of sheriffs and police chiefs; and

3 (e) The following seven members, jointly appointed by the speaker
4 of the house of representatives and the president of the senate:

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

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

8 (iii) A representative from a business or organization that
9 primarily serves persons with a developmental disability or vulnerable
10 adults;

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

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

13 (vi) Two representatives from a local parks and recreation program;
14 one member shall be selected by the association of Washington cities
15 and one member shall be selected by the Washington association of
16 counties.

17 (2) The task force shall choose two cochairs from among its
18 membership.

19 (3) The task force shall review and make recommendations to the
20 legislature and the governor regarding criminal background check policy
21 in Washington state. In preparing the recommendations, the committee
22 shall, at a minimum, review the following issues:

23 (a) What state and federal statutes require regarding criminal
24 background checks, and determine whether any changes should be made;

25 (b) What criminal offenses are currently reportable through the
26 criminal background check program, and determine whether any changes
27 should be made;

28 (c) What information is available through the Washington state
29 patrol and the federal bureau of investigation criminal background
30 check systems, and determine whether any changes should be made;

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

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

35 (f) What is the feasibility of requiring all businesses and
36 organizations, including nonprofit entities, to conduct criminal
37 background checks for all employees, contractors, agents, and

1 volunteers who have regularly scheduled supervised or unsupervised
2 access to children, persons with a developmental disability, or
3 vulnerable adults; and

4 (g) A review of the benefits and obstacles of implementing a
5 criminal history record information background check program created by
6 the national child protection act of 1993. The national child
7 protection act of 1993 increases the availability of criminal history
8 record information background checks for employers who have employees
9 or volunteers who work with children, elderly persons, or persons with
10 disabilities.

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

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

15 (6) The task force shall report its findings and recommendations to
16 the legislature by December 31, 2004.

17 NEW SECTION. **Sec. 3.** (1) In consultation with the Washington
18 state patrol, the Washington association of sheriffs and police chiefs
19 shall conduct a study on criminal history record information background
20 check technology and systems. The study shall focus on how, through
21 the use of modern technology, Washington state can reduce delays in the
22 criminal history record information background check processing time
23 and how Washington state can make criminal history record information
24 background checks more accessible and efficient.

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

26 (a) A review and analysis of the criminal history record
27 information background check technology systems in states that have
28 recently implemented or are soon to implement comprehensive criminal
29 history record information background check programs;

30 (b) Recommendations on how a comprehensive criminal history record
31 information background check program should be designed in Washington
32 state, and how much a comprehensive program would cost to implement in
33 Washington state;

34 (c) A review of how a comprehensive criminal history record
35 information background check program could be paid for in Washington

1 state, which includes a determination on whether the program could be
2 funded solely by user fees.

3 (3) The findings and recommendations from the Washington
4 association of sheriffs and police chiefs shall be presented to the
5 joint task force on criminal background check processes no later than
6 November 30, 2004.

7 (4) The requirement to perform the study under this section and to
8 make findings and recommendations is subject to availability of funds
9 appropriated for this specific purpose.

10 NEW SECTION. **Sec. 4.** This act expires January 31, 2005."

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11 On page 1, line 1 of the title, after "processes;" strike the
12 remainder of the title and insert "creating new sections; and providing
13 an expiration date."

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