

HOUSE BILL REPORT

HB 2450

As Passed House:

February 11, 2004

Title: An act relating to background checks on gubernatorial appointees.

Brief Description: Authorizing background checks on gubernatorial appointees.

Sponsors: By Representatives Haigh, Lantz, Romero, Armstrong, Bush, Moeller, Rockefeller and Hankins; by request of Washington State Patrol.

Brief History:

Committee Activity:

State Government: 2/5/04 [DP].

Floor Activity:

Passed House: 2/11/04, 96-0.

Brief Summary of Bill

- Authorizes the Washington State Patrol to conduct a records check on applicants for agency head positions when requested by the Governor or the Department of Personnel.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Katie Blinn (786-7114).

Background:

"Criminal history record information" includes information on arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising from those charges, such as guilty verdicts, acquittals, acquittals by reason of insanity, dismissals based on lack of competency, sentences, correctional supervision, and release. It does not include records regarding traffic infractions. Nonconviction data includes criminal history record information relating to an incident that is no longer actively

pending that did not lead to a conviction or other adverse disposition.

Summary of Bill:

When requested by the Governor or the Department of Personnel, the Washington State Patrol must conduct a nonconviction criminal history fingerprint record check on applicants for agency head positions. Background check information shall be confidential and made available only to those people directly involved in the application process. If necessary, applicants may be employed on a conditional basis pending completion of the background check.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support) This is a Governor request bill.

(Neutral) The American Civil Liberties Union (ACLU) is neither pro nor con on the bill but the issue of background checks is gaining attention because they are becoming more and more common. The ACLU would like to point out that when fingerprints are sent to the FBI as part of a background check, rather than a criminal investigation, the FBI retains those prints and enters them into the database in the same manner that they do prints submitted for a criminal investigation. It is possible to specify that fingerprints submitted for background check purposes only not be retained by the FBI. The ACLU recommends that change for this bill.

Testimony Against: None.

Persons Testifying: (In support) Representative Haigh, prime sponsor.

(Neutral) Jerry Sheehan, American Civil Liberties Union of Washington.

Persons Signed In To Testify But Not Testifying: None.