

SENATE BILL REPORT

SB 6191

As Passed Senate, February 10, 2004

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

Brief Description: Authorizing background checks on gubernatorial appointees.

Sponsors: Senators Roach, Kastama, Regala and Winsley; by request of Washington State Patrol.

Brief History:

Committee Activity: Government Operations & Elections: 1/20/04 [DP].

Passed Senate: 2/10/04, 49-0.

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Roach, Chair; Stevens, Vice Chair; Berkey, Horn, Kastama and McCaslin.

Staff: Diane Smith (786-7410)

Background: The Governor must transmit to the Secretary of the Senate pertinent information about a gubernatorial appointee, among other things, for the appointment to be effective.

Pertinent information about the identification and criminal history of persons lawfully arrested and charged with, or convicted of, any criminal offense is compiled by a section of the Washington State Patrol. This information includes fingerprints, palmprints, photographs, or any other identification data from whatever source available. Criminal justice agencies can apply to receive these criminal records and personal histories. These files and records are otherwise privileged and neither available to the public nor disclosed for any personal purpose or in any civil court proceedings except upon a written court order.

Summary of Bill: When requested by either the Governor or the Director of the Department of Personnel, the Washington State Patrol must conduct nonconviction criminal history fingerprint record checks through its appropriate section and through the Federal Bureau of Investigation for gubernatorial appointments to agency head positions. "Agency head" means the individual or body of individuals in whom the ultimate legal authority of the agency is vested by any provision of law. If the agency head is a body of individuals, a majority of those individuals constitutes the agency head.

Confidentiality of these records must be maintained by the Governor and the Department of Personnel.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Currently, only criminal conviction information exclusive to Washington State is available to the Governor for background checks on prospective gubernatorial appointees. The nonconviction information is the whole scope of information, nationwide and including the FBI's resources. This bill allows the full scope of information to be made available so that informed decisions can be made about applicants for agency head positions. These positions are often filled from nationwide searches and require command of situations that are sensitive to public safety and health.

Testimony Against: None.

Testified: Glenn Cramer, WSP (pro).