

SENATE BILL REPORT

SB 6441

As Reported By Senate Committee On:
Government Operations & Elections, February 6, 2004

Title: An act relating to fire fighter record checks.

Brief Description: Requiring record checks for fire fighters.

Sponsors: Senators Shin, Schmidt, B. Sheldon, Eide, Regala, Berkey, Winsley, Parlette, Jacobsen, McAuliffe and Rasmussen.

Brief History:

Committee Activity: Government Operations & Elections: 2/4/04, 2/6/04 [DPS-WM].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 6441 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Stevens, Vice Chair; Berkey, Fairley and Kastama.

Staff: William Bridges (786-7424)

Background: Criminal history checks are statutorily required for persons engaged in certain regulated activities, such as private security guards and school employees. There is no statute requiring criminal history checks of fire fighters. However, checks may be required by local fire departments or fire districts.

The Washington State Patrol Identification and Criminal History Section is the statewide repository for fingerprint-based criminal history record information or CHRI. Local criminal justice agencies must submit felony and gross misdemeanor arrest and disposition information to the State Patrol, where it is included in a statewide CHRI data base.

The State Patrol provides the CHRI database to individuals and organizations requesting criminal history checks. In some instances, the State Patrol forwards fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history check.

The current State Patrol fee for a statewide fingerprint search is \$25. An additional \$24 is charged for an FBI check.

Summary of Substitute Bill: All paid or volunteer fire fighters, hired or appointed after the effective date of this act, that may, in the course of their work, have access to the home or property of others, are required to have criminal history checks through the State Patrol and the FBI. These checks are required before a fire fighter may start working; however, fire fighters may be conditionally employed pending complete history checks. A requesting entity may waive criminal history checks for fire fighters who have been checked within the previous 12 months.

A requesting entity may require fire fighters to pay for their own criminal history checks. Fire fighters are entitled to receive copies of their own reports from a requesting entity.

Substitute Bill Compared to Original Bill: It is clarified that paid or volunteer fire fighters of "towns" must also undergo background checks. The clause prohibiting background checks for fire fighters hired before the effective date of this act is removed. A clause clarifying that background checks are only required of fire fighters who are hired after the effective date of this act is added.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The bill is about public safety. Because fire fighters have access to homes and offices, the public wants honorable, reputable, and trustworthy fire fighters. The large jurisdictions are already doing background checks, but many rural districts are not because they do not have the money. Mandatory background checks could make it difficult to recruit volunteers. In rural communities, background checks are usually not needed because volunteer fire fighters have been born and raised in the communities they serve. Many fire fighters in rural areas are not trained to enter homes, so there are no public safety concerns.

Testimony Against: None.

Testified: Senator Shin, prime sponsor (pro); Kelly Fox, Wash. State Council of Fire Fighters (pro); Ryan Spiller, Wash. Fire Commissioners Ass'n (concerns).