

# HOUSE BILL REPORT

## SHB 1681

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### As Passed Legislature

**Title:** An act relating to the joint task force on criminal background check processes.

**Brief Description:** Extending and adding a member to the joint task force on criminal background check processes.

**Sponsors:** By House Committee on Criminal Justice & Corrections (originally sponsored by Representatives B. Sullivan, Darneille, Chase, Appleton, Upthegrove and Lovick).

#### **Brief History:**

##### **Committee Activity:**

Criminal Justice & Corrections: 2/15/05, 2/22/05 [DPS].

##### **Floor Activity:**

Passed House: 3/10/05, 94-0.

Senate Amended.

Passed Senate: 4/11/05, 48-0.

House Concurred.

Passed House: 4/18/05, 95-0.

Passed Legislature.

#### **Brief Summary of Substitute Bill**

- Extends the Joint Task Force on Criminal Background Check Processes one additional year.
- Adds four additional members to the task force.
- Requires the task force to review: (1) what the feasibility is of establishing a state registration program for private youth sports coaches under which criminal background checks would be required; and (2) the practices of the Department of Social and Health Services with respect to checking the backgrounds of its employees.

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### HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives O'Brien, Chair; Darneille, Vice Chair; Pearson, Ranking Minority Member; Ahern, Assistant Ranking Minority Member; Kagi, Kirby and Strow.

**Staff:** Yvonne Walker (786-7841).

**Background:**

The Joint Task Force on Criminal Background Check Processes (Task Force) was created by the passage of Engrossed Substitute House Bill 2556 during the 2004 legislative session. The legislation required the Task Force to review and make recommendations regarding how to improve the state's criminal background check processes and to report its findings and recommendations to the Legislature.

Membership. The membership of the task force consists of one member from each of the two largest caucuses of the Senate and the House of Representatives; one representative from the Washington State Patrol, the Department of Social and Health Services, and the Office of the Superintendent of Public Instruction; one elected sheriff or police chief, selected by the Washington Association of Sheriffs and Police Chiefs; and jointly appointed by the speaker of the House of Representatives and the president of the Senate, representatives from the following entities:

- a nonprofit service organization that serves primarily children under sixteen years of age;
- a health care provider;
- an organization that serves primarily developmentally disabled persons or vulnerable adults;
- a local youth athletic association;
- the insurance industry;
- a local parks and recreation program, selected by the Association of Washington Cities; and
- a local parks and recreation program, selected by the Washington Association of Counties.

Issues to be Considered. The Task Force was required, at a minimum, to review the following issues:

- What state and federal statutes require regarding criminal background checks.
- What criminal offenses are currently reportable through the criminal background check program.
- What information is available through the Washington State Patrol and the Federal Bureau of Investigation criminal background check systems.
- What are the best practices among organizations for obtaining criminal background checks on their employees and volunteers.
- What is the feasibility and costs for businesses and organizations to do periodic background checks.
- What is the feasibility of requiring all businesses and organizations, including nonprofit entities, to conduct criminal background checks for all employees, contractors, agents, and volunteers who have regularly scheduled supervised or unsupervised access to children, developmentally disabled persons, or vulnerable adults.
- What are the benefits and obstacles of implementing a criminal history record information background check program created by the National Child Protection Act of 1993.

The Task Force, where feasible, may consult with individuals from the public and private sector and may use legislative facilities and staff from Senate Committee Services and the House Office of Program Research.

The Task Force held six public meetings in 2004, and made five recommendations. One of the Task Force's recommendations was to expand the membership and extend the life of the Task Force in order to consider matters that were raised at the 2004 meetings of the Task Force but that require further analysis and discussion.

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**Summary of Substitute Bill:**

The Joint Task Force on Criminal Background Check Processes is extended for one additional year. The Task Force membership and the issues that must be examined by the Task Force are also expanded.

Membership. The membership of the Task Force is expanded to include four additional members. The members include: (1) a representative from a for-profit entity that primarily serves children; (2) a representative from a business or organization that primarily serves vulnerable adults; (3) a representative selected by the state's long-term care ombudsman; and (4) as a nonvoting ex officio member, a representative of an organization that serves as a clearinghouse for other nonprofit organizations in the state and that recruits volunteers and trains nonprofit boards of directors.

Issues to be Considered. Two topics are added to the list of issues that the task force must review. The issues include: (1) What is the feasibility of establishing a state registration program for private youth sports coaches under which some or all of such persons are required to obtain and disclose to prospective clients and employers a copy of the results of their fingerprint-based criminal background checks; and (2) A review of the practices of the Department of Social and Health Services with respect to checking the backgrounds of its employees, applicants for employment, and candidates for promotion.

The Task Force is authorized to continue its work until December 31, 2005, at which time it will report its findings and recommendations to the Legislature.

The entire act expires on January 31, 2006.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** This bill is a recommendation from the Task Force on Criminal Background Checks. It adds a member to the Task Force and extends the Task Force one additional year

so that it can do its work. The Task Force has a little more work to do and more recommendations will be forthcoming in the future.

**Testimony Against:** None.

**Persons Testifying:** Representative B. Sullivan, prime sponsor.

**Persons Signed In To Testify But Not Testifying:** None.