

HOUSE BILL REPORT

HB 2058

As Passed House:

March 10, 2005

Title: An act relating to school employees convicted of or pleading guilty to sex crimes.

Brief Description: Regarding notice requirements for school employees convicted of sexual offenses.

Sponsors: By Representatives Quall, Talcott, P. Sullivan, Anderson, Appleton, O'Brien, Lovick, Darneille, Haigh, Holmquist and Ericks.

Brief History:

Committee Activity:

Education: 2/24/05, 3/1/05 [DP].

Floor Activity:

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

Brief Summary of Bill

- Requires notice to the Superintendent of Public Instruction (SPI), the State Board of Education (SBE), and a school district employer when a school employee pleads guilty to or is convicted of a sex offense.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 11 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, McDermott, Santos, Shabro and Tom.

Staff: Sydney Forrester (786-7120).

Background:

As a condition of employment, school personnel undergo a background check. This background check is intended to reveal any pre-employment convictions. After the initial background check, a school district employer is notified of convictions occurring during employment only to the extent required by law.

Whenever a person is convicted of or pleads guilty to particular types of crimes, the prosecuting attorney must determine whether the person holds a teaching or administrative certificate or is employed by a school district. If the person does hold a certificate or is employed by a school district, the prosecuting attorney must notify the Washington State

Patrol (WSP). The WSP then must notify the SPI, who must report the information to the SBE and to the school district where the person is employed.

The types of crimes to which these reporting requirements apply includes the comprehensive list of felony sex offenses under RCW 9A.44. These reporting requirements, however, are triggered only when a minor is the victim of the particular sex offense.

Summary of Bill:

The modifying phrase "where a minor is the victim" is removed. If a school employee or certificated person is convicted of or pleads guilty to a felony sex offense, regardless of whether a minor was the victim, the prosecuting attorney must notify the WSP. The WSP then must notify the SPI, who must notify the SBE and the school district where the person is employed.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This issue was brought forward by one of our superintendents in a district where they had an employee who was convicted of a sex offense after employment, but the district was not notified because the victim of the offense was not a minor. This makes sure the school district employer will be notified if an employee is convicted of a sex offense regardless of whether a minor is the victim.

Testimony Against: None.

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

Persons Signed In To Testify But Not Testifying: None.