FINAL BILL REPORT
SHB 1313

C 373 L 05

Synopsis as Enacted

Brief Description: Concerning background checks and fingerprint identification.

Sponsors: By House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives O'Brien, Pearson and Darneille; by request of Parks and Recreation Commission).

House Committee on Natural Resources, Ecology & Parks
Senate Committee on Natural Resources, Ocean & Recreation
Senate Committee on Ways & Means

Background:

The Parks and Recreation Commission (Commission) is responsible for the care and supervision of the state parks system. The Washington State Patrol (WSP) conducts background checks and fingerprinting for certain entities that hire persons for positions involving unsupervised access to children and vulnerable adults. The Commission does not have the express authority to require a record check or fingerprinting of prospective employees, volunteers, or contractors under these circumstances.

The WSP is responsible for developing, maintaining and operating the statewide automatic fingerprint information system. Every local, county, and state law enforcement agency is required to obtain fingerprints of all adults and juveniles arrested for any felony or gross misdemeanor. These fingerprints must be transmitted electronically to the WSP within 72 hours of the suspect's arrest.

Local law enforcement agencies may establish or operate an automatic fingerprint identification system only if both the hardware and software of the local system are compatible with that of the state system. In addition, these local systems must be able to electronically transmit data to, and receive and answer inquiries from, the WSP's system. Any local or county law enforcement agency that purchased an automatic fingerprint identification system before January 1, 1987, is exempt from the compatibility requirements.

Any local or county law enforcement agency choosing to operate a fingerprint identification system must contract with the same vendor used by the WSP in order to meet the compatibility requirements. Fingerprints, also known as "ten prints," are prints taken from arrested or charged persons. "Latent" fingerprints include those fingerprints left at crime scenes.

Summary:

The Commission is required to adopt rules that may require a criminal history record information search of job applicants, volunteers, and independent contractors who will work with children or vulnerable adults, or who will be responsible for collecting or disbursing money or processing credit card transactions. The background check will be conducted through the Washington State Patrol criminal identification system and may include a national check from the Federal Bureau of Investigation. Permanent employees of the Commission who are employed upon the effective date of this act are exempt from the requirement.

Local law enforcement agencies may use an automatic fingerprint identification system which uses an interface for both its hardware and software that is compatible with the WSP statewide automatic fingerprint identification system. Local law enforcement agencies must be able to transmit "ten-print" fingerprint records to the state automatic fingerprint identification system, and the state must be able to accept these ten-print records. When industry transmission protocols change, the WSP must incorporate these new standards as long as funding and reasonable system engineering practices permit.

No later than January 1, 2007, the state fingerprint system must be able to accept electronic latent search records from any local law enforcement agency. If, by June 30, 2006, funding is not received for transmission of latent search records in the Omnibus Appropriations Act, or otherwise obtained from another source, the latent search records transmission requirement is null and void.

Votes on Final Passage:

House	98	0	
Senate	49	0	(Senate amended)
House	95	0	(House concurred)

Effective: July 24, 2005