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**Criminal Justice & Corrections  
Committee**

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**HB 2215**

**Brief Description:** Changing provisions relating to background checks.

**Sponsors:** Representatives B. Sullivan and Ahern.

**Brief Summary of Bill**

- Simplifies and clarifies duplicative statutes so that the dissemination of background checks are handled under one chapter.
- Eliminates provisions that are not currently being implemented such as requiring that administrative decisions be sent to the Washington State Patrol (WSP).
- Requires the prosecuting attorney to notify the Superintendent of Public Instruction, instead of the WSP, if a person employed by a school district pleads guilty to certain offenses.

**Hearing Date:** 3/1/05

**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. The legislation also required the Task Force to report its findings and recommendations to the Legislature.

The Task Force held six public meetings in 2004, and made five recommendations. One of the Task Force's recommendations was to simplify statutes concerning the dissemination of background checks and to repeal portions of RCW 43.43, accordingly. The Task Force found that repealing certain portions of RCW 43.43 would simplify the Washington State Patrol's (WSP) administration of background check requests for non-criminal justice purposes. In addition, the Task Force determined that organizations requesting background checks would receive more complete information about applicants for employment or for volunteer service.

Under RCW 10.97, conviction records may be disseminated without restriction. Criminal history record information that pertains to a matter that is pending in the criminal justice system may also be disseminated without restriction under this law.

Under RCW 43.43, the WSP is authorized to disclose criminal history information of applicants and employees to businesses or organizations in Washington that provide services to persons with a developmental disability, vulnerable adults, persons with a mental illness, or children under 16 years of age. The WSP may also release criminal background information to persons with a developmental disability and vulnerable adults who desire to hire their own employees directly. However, under this statute, the information provided is limited to an applicant's record for convictions of offenses against children or other persons, convictions for crimes relating to financial exploitation if the victim is a vulnerable adult, adjudications of child abuse in a civil action, and any issuance of a vulnerable adult protection order. If the portions of RCW 43.43 were repealed so the references to specific crimes were eliminated, an organization would still be able to request background check information under RCW 10.97 and would receive information on a particular person's convictions and any charges pending for the last year.

Another problem that was brought to the Task Force's attention is that the WSP often does not receive the administrative decisions and civil findings required by statute. In addition, the Task Force learned that, in order to be compatible with the WSP databases that are used as a basis for performing background checks, records concerning civil verdicts and adverse results of administrative proceedings, must include fingerprints. In practice, most civil and administrative decisions reported to the WSP do not include fingerprints and, therefore, cannot be indexed in the WSP's records that serve as a basis for performing background checks.

**Summary of Bill:**

If a background check is requested for non-criminal justice purposes, the WSP is required to disseminate all conviction data and information on pending charges that are less than a year old. The bill eliminates the requirement that, before forwarding the information to the requester in certain cases, the WSP redact all information that is not related to convictions relating to crimes against children, crimes relating to drugs, and crimes relating to financial exploitation.

The requirement that disciplinary board final decisions and information regarding dependency matters and domestic relations cases be sent to the WSP is eliminated.

Rather than asking applicants if they have been convicted of certain crimes, businesses requesting background checks must require disclosure of whether the applicant has been convicted of any crime.

The prosecuting attorney must notify the Superintendent of Public Instruction if a person employed by a school district pleads guilty to certain offenses. The requirement that the prosecutor notify the WSP, who must then notify the Superintendent of Public Instruction, is eliminated.

**Appropriation:** None.

**Fiscal Note:** Requested on February 25, 2005.

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