

HOUSE BILL REPORT

SB 5439

As Passed House:

March 1, 2006

Title: An act relating to background checks on gubernatorial appointees.

Brief Description: Authorizing background checks on gubernatorial appointees.

Sponsors: By Senators Roach, Swecker, Delvin, Sheldon, Parlette, Kohl-Welles and McCaslin;
by request of Washington State Patrol.

Brief History:

Committee Activity:

State Government Operations & Accountability: 2/22/06 [DP].

Floor Activity:

Passed House: 3/1/06, 97-0.

Brief Summary of Bill

- Permits the Governor or Director of the Department of Personnel to request and receive non-conviction criminal history on applicants for agency head positions appointed by the Governor.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Kathryn Leathers (786-7114).

Background:

Procedures for confirmation of gubernatorial appointments require the Governor to transmit "pertinent information" regarding a prospective appointee to the Secretary of the Senate. The term "pertinent information" is not defined, but can include a criminal history background check. "Criminal history" means the list of a person's prior convictions and juvenile adjudications in Washington, other states, and federal courts.

Summary of Bill:

When requested by the Governor or the Director of the Department of Personnel (Director) for gubernatorial appointments of agency heads, a check of the Washington State Patrol and Federal Bureau of Investigation non-conviction criminal history fingerprint records must be conducted. Information received pursuant to such records checks are confidential, and made available only to the Governor or Director, or to their employees directly involved in the selection, hiring, or background investigation. When necessary, an appointment may be made conditional, pending completion of the criminal history check.

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 is a technical fix in that it codifies what the Washington State Patrol (WSP) has been doing for years as it relates to conducting background checks on gubernatorial appointees. The Federal Bureau of Investigation (FBI) requires states to codify the fact that the federal background checks are required to be performed before they provide states with their information. The WSP has been operating under a waiver from the FBI for the last few years in order to get the federal background checks.

This bill requires a fingerprint to get both conviction and non-conviction history. The WSP does not review the resulting records, and the records may or may not say why a particular charge was dropped. The checks are confidential to the Governor, the Department of Personnel, and any employee directly involved in the hiring process. The approximate cost to perform both a state and federal background check is \$49 per check.

Testimony Against: None.

Persons Testifying: Jeff DeVere, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.