
HOUSE BILL 3023

State of Washington 59th Legislature 2006 Regular Session

By Representatives Haigh, Hinkle, McCoy, Nixon, Simpson, Ericks, McDermott, Green, Miloscia, Morrell, Wallace, Lantz and Kenney

Read first time 01/18/2006. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to charging volunteer fire fighters a fee for a
2 Washington state patrol background check; and amending RCW 43.43.838.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 43.43.838 and 2005 c 421 s 5 are each amended to read
5 as follows:

6 (1) After January 1, 1988, and notwithstanding any provision of RCW
7 43.43.700 through 43.43.810 to the contrary, the state patrol shall
8 furnish a transcript of the conviction record pertaining to any person
9 for whom the state patrol or the federal bureau of investigation has a
10 record upon the written request of:

11 (a) The subject of the inquiry;

12 (b) Any business or organization for the purpose of conducting
13 evaluations under RCW 43.43.832;

14 (c) The department of social and health services;

15 (d) Any law enforcement agency, prosecuting authority, or the
16 office of the attorney general; or

17 (e) The department of social and health services for the purpose of
18 meeting responsibilities set forth in chapter 74.15, 18.51, 18.20, or
19 72.23 RCW, or any later-enacted statute which purpose is to regulate or

1 license a facility which handles vulnerable adults. However, access to
2 conviction records pursuant to this subsection (1)(e) does not limit or
3 restrict the ability of the department to obtain additional information
4 regarding conviction records and pending charges as set forth in RCW
5 74.15.030(2)(b).

6 (2) The state patrol shall by rule establish fees for disseminating
7 records under this section to recipients identified in subsection
8 (1)(a) and (b) of this section. The state patrol shall also by rule
9 establish fees for disseminating records in the custody of the national
10 crime information center. The revenue from the fees shall cover, as
11 nearly as practicable, the direct and indirect costs to the state
12 patrol of disseminating the records. No fee shall be charged to a
13 nonprofit organization for the records check. No fee shall be charged
14 for a records check of a volunteer fire fighter. In the case of record
15 checks using fingerprints requested by school districts and educational
16 service districts, the state patrol shall charge only for the
17 incremental costs associated with checking fingerprints in addition to
18 name and date of birth. Record checks requested by school districts
19 and educational service districts using only name and date of birth
20 shall continue to be provided free of charge.

21 (3) No employee of the state, employee of a business or
22 organization, or the business or organization is liable for defamation,
23 invasion of privacy, negligence, or any other claim in connection with
24 any lawful dissemination of information under RCW 43.43.830 through
25 43.43.840 or 43.43.760.

26 (4) Before July 26, 1987, the state patrol shall adopt rules and
27 forms to implement this section and to provide for security and privacy
28 of information disseminated under this section, giving first priority
29 to the criminal justice requirements of this chapter. The rules may
30 include requirements for users, audits of users, and other procedures
31 to prevent use of civil adjudication record information or criminal
32 history record information inconsistent with this chapter.

33 (5) Nothing in RCW 43.43.830 through 43.43.840 shall authorize an
34 employer to make an inquiry not specifically authorized by this
35 chapter, or be construed to affect the policy of the state declared in
36 chapter 9.96A RCW.

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