

SSB 5151 - S AMD 109

By Senator Holmquist

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The definitions in this section apply
4 throughout this chapter unless the context clearly requires otherwise.

5 (1) "Athletic" means a physical activity requiring or typically
6 involving stamina, agility, strength, knowledge of the activity's
7 rules, and the capability to perform movements or functions required
8 under those rules. "Athletic" includes individual and organized or
9 team sports or games.

10 (2) "Commercial youth athletic coach" means a person who performs
11 youth athletic coaching for compensation over and above any
12 reimbursement for expenses through an employment or business
13 relationship other than where the person possesses a current teaching
14 certificate under chapter 28A.410 RCW or is employed by a private or
15 public school after completing a criminal history background check as
16 required by RCW 28A.195.080 or 28A.400.303.

17 (3) "Department" means the department of licensing.

18 (4) "Director" means the director of licensing or the director's
19 designee.

20 (5) "Youth athletic coaching" means the activity of providing
21 services relating to the development of a child's or youth's athletic
22 talents, skills, or abilities where the child or youth is under the age
23 of eighteen, and the coach is not related to the child or youth by
24 blood or marriage.

25 NEW SECTION. **Sec. 2.** (1) A person may not advertise or otherwise
26 offer to provide the services of a commercial youth athletic coach, or
27 to engage in, conduct, or carry on the business of commercial youth
28 athletic coaching in this state unless the person possesses a valid,
29 unsuspended, and unexpired criminal history certification issued by the
30 department under this chapter.

1 (2) A person is guilty of a gross misdemeanor when the person (a)
2 violates this section; and (b) has, as of the date of the violation,
3 any conviction defined in section 9 of this act, regardless whether the
4 conviction appears on any criminal history background record.

5 NEW SECTION. **Sec. 3.** The director shall issue a criminal history
6 certification only to an applicant who:

7 (1) Is at least eighteen years of age;

8 (2) Is a citizen or resident alien of the United States;

9 (3) Has a place of business or residence located in the state;

10 (4) Submits a fully completed application on the form prescribed by
11 the director;

12 (5) Submits a set of the applicant's fingerprints for a background
13 check through the Washington state patrol criminal identification
14 system under RCW 10.97.030 and 10.97.050 and through the federal bureau
15 of investigation;

16 (6) Pays a nonrefundable fee as is required by the department for
17 the background check; and

18 (7) Has no disqualifying conviction, as provided under section 9 of
19 this act, regardless whether the conviction appears on any criminal
20 history background record.

21 NEW SECTION. **Sec. 4.** (1) The Washington state patrol shall
22 forward the fingerprint data submitted by an applicant under this
23 chapter to the federal bureau of investigation for a national criminal
24 history records check.

25 (2) An application submitted under section 3 of this act is not
26 complete until the search result has been received by the department
27 from both the Washington state patrol and the federal bureau of
28 investigation fingerprint check systems.

29 (3) Criminal history record information received by the department
30 under this chapter is exempt from public inspection or disclosure under
31 chapter 42.56 RCW.

32 (4)(a) The director shall issue a criminal history certification to
33 each applicant within thirty days after receiving the background check
34 results from both (i) the Washington state patrol criminal
35 identification system; and (ii) the federal bureau of investigation.

36 (b) The criminal history certification must contain a statement
37 indicating that the certification is not a guarantee that the subject

1 of the inquiry has no criminal record or adverse civil or
2 administrative decisions.

3 NEW SECTION. **Sec. 5.** (1) The department may charge a reasonable
4 fee to create each certified copy of a criminal history certification
5 issued under this chapter.

6 (2) A criminal history certification issued under this chapter is
7 valid for two years from the date of issue, and is not transferable.

8 NEW SECTION. **Sec. 6.** (1) The state of Washington and its
9 employees are not liable for defamation, invasion of privacy,
10 negligence, or any other claim in connection with any lawful
11 dissemination of information released under this chapter.

12 (2) A person may not represent to another that the lawful
13 dissemination of information under this chapter guarantees that the
14 subject of the inquiry has no criminal record or adverse civil or
15 administrative decisions.

16 NEW SECTION. **Sec. 7.** (1)(a) A person issued a criminal history
17 certification under this chapter shall notify the director within
18 thirty days of any material change in the information furnished or
19 required to be furnished to the director, including but not limited to
20 the discovery of any (i) error that the individual knows or should know
21 is contained in the criminal history record information report
22 submitted as part of the individual's application under this chapter;
23 or (ii) arrest or conviction of the individual for any criminal offense
24 occurring after the date of application.

25 (b) Upon receipt of any information relating to a person issued a
26 criminal history certification, as described in (a) of this subsection,
27 the director shall investigate the accuracy of the information and may
28 accept proof of a recent fingerprint background check. If the director
29 concludes the report of the individual is accurate and that the
30 applicant has not been convicted of a disqualifying crime under section
31 9 of this act, the director shall update the records maintained by the
32 department, assess a reasonable fee of not less than fifty dollars,
33 and, upon receipt of the required fee, issue an amended criminal
34 history certification.

35 (2) The director shall suspend the criminal history certification
36 of any person who has been convicted of any criminal offense after the

1 date of application, unless the individual has notified the director of
2 such conviction and pays the fee required by subsection (1) of this
3 section, provided that the conviction does not disqualify the
4 individual pursuant to section 9 of this act.

5 NEW SECTION. **Sec. 8.** The director shall set by rule the fees
6 authorized by this chapter. The fees may be no more than necessary to
7 cover the cost of the services provided.

8 NEW SECTION. **Sec. 9.** (1) The director shall not issue a criminal
9 history certification to any applicant when the criminal history record
10 information report contains information indicating the following,
11 regardless of whether the conviction appears on any criminal history
12 background record:

13 (a) Conviction of any gross misdemeanor or felony relating to the
14 practice of the person's profession or operation of the person's
15 business; or

16 (b) The commission of any act involving moral turpitude,
17 dishonesty, or corruption relating to the practice of the person's
18 profession or operation of the person's business, whether the act
19 constitutes a crime or not.

20 (2) For the purposes of this section, conviction includes all
21 instances in which a plea of guilty or nolo contendere is the basis for
22 conviction and all proceedings in which the sentence has been deferred
23 or suspended. Except as specifically provided by law, nothing in this
24 section abrogates the provisions of chapter 9.96A RCW. However, RCW
25 9.96A.020 does not apply to a person who is required to register as a
26 sex offender under RCW 9A.44.130.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 42.56 RCW
28 to read as follows:

29 Criminal history information received by the department of
30 licensing under chapter 19.-- RCW (sections 1 through 9 of this act) is
31 exempt from disclosure under this chapter.

32 NEW SECTION. **Sec. 11.** Sections 1 through 9 of this act constitute
33 a new chapter in Title 19 RCW."

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EFFECT: Removes registration requirements, but retains the background check requirements.