

SENATE BILL REPORT

SB 5878

As of February 25, 2009

Title: An act relating to criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards.

Brief Description: Requiring criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards.

Sponsors: Senators Sheldon, Marr and Shin; by request of Department of Licensing.

Brief History:

Committee Activity: Transportation: 2/23/09.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Janice Baumgardt (786-7319)

Background: The federal Intelligence Reform and Terrorism Prevention Act of 2004 mandated that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require United States citizens and foreign nationals to present a passport or other secure document when entering the United States. In April 2005 the Departments of State and Homeland Security announced the Western Hemisphere Travel Initiative (WHTI), which will ultimately require individuals entering or re-entering the United States to present a passport or other acceptable secure identification. The identification requirements of the WHTI are scheduled to take full effect on June 1, 2009.

When announcing the WHTI, the Departments of State and Homeland Security identified the passport as the document of choice for entry or re-entry into the United States, but acknowledged that certain other documents might be acceptable in lieu of a passport. Pursuant to this option, the Department of Licensing (DOL) now issues a voluntary, enhanced driver's license (EDL) or identicard to an applicant who, in addition to meeting all other driver's license or identicard requirements, provides the DOL with proof of U.S. citizenship, identity, and state residency, and successfully completes an interview with a DOL licensing services representative. The EDL includes a biometric matching system based on facial recognition technology.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In order to issue the EDL, the DOL agreed to allow the Department of Homeland Security (DHS) to conduct background checks on employees involved in the issuance of the cards. The agreement pursuant to which the DHS conducts these background checks expires at the end of June 2009.

Summary of Bill: The DOL must investigate the conviction records of, and pending charges against, any current or prospective employee with the ability to issue an EDL or the ability to create or modify records of applicants for an EDL. This investigation takes the form of a background check through the Washington State Patrol and the Federal Bureau of Investigation. The DOL must also reinvestigate such employees every five years.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill is necessary so DOL can continue processing EDLs.

Persons Testifying: PRO: Alan Haight, DOL.