

SENATE BILL REPORT

SB 6878

As Reported by Senate Committee On:
Ways & Means, March 3, 2010

Title: An act relating to fees for criminal background checks.

Brief Description: Concerning fees for criminal background checks.

Sponsors: Senators Prentice and Kline.

Brief History:

Committee Activity: Ways & Means: 2/25/10, 3/03/10 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6878 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Fairley, Hobbs, Honeyford, Keiser, Kline, Kohl-Welles, McDermott, Murray, Oemig, Pflug, Pridemore, Regala and Rockefeller.

Minority Report: Do not pass.

Signed by Senator Schoesler.

Minority Report: That it be referred without recommendation.

Signed by Senators Carrell and Parlette.

Staff: Jenny Greenlee (786-7711)

Background: The Washington State Patrol (WSP) operates the statewide repository for fingerprint-based criminal histories. Local criminal justice agencies are required by law to submit felony and gross misdemeanor arrest and disposition information to the State Patrol. Under the Criminal Records Privacy Act, a criminal record may be made public to anyone without restriction and without the consent of the subject of the record.

The WSP is allowed to collect a fee for record checks and that fee must cover the direct and indirect costs of the WSP for disseminating the records. Nonprofit organizations requesting a records check are not charged this fee.

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.

Summary of Bill (Recommended Substitute): Nonprofit organizations are required to pay a fee for record checks. Those organizations requesting 50 or more record checks per fiscal year are charged \$1 per check and those with fewer than 50 checks per year are charged \$5 per check.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Substitute): Organizations requesting exactly 50 checks must pay \$1 per check. The fee's outlined in the bill are clarified to be per check, rather than an annual amount.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2010.

Staff Summary of Public Testimony on Original Bill: CON: Catholic Conference is doing background checks on 20,000 to 25,000 people. They will probably cut back on the number of times they renew those checks, which is very concerning. They may receive a big reduction in funding for their homecare activities and this will be a further reduction.

OTHER: Nonprofits are really hurting in this economy and can provide a safety net as the state cuts programs. Any bill that increases costs for nonprofits is a concern. The bill is confusing. It is unclear how much will be charged. Nonprofits are not required to conduct background checks and charging a fee may discourage them from doing them. This could put children and others at risk.

Persons Testifying: CON: Donna Christensen, Catholic Conference.

OTHER: Amy Bell, YMCA's of Washington Council of Youth Agencies; Laurie Lippold, Children's Home Society.