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**SENATE BILL 5694**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senators McAuliffe, Oemig, Brandland, and Shin; by request of Washington State Patrol

Read first time 01/29/09. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to record checks using fingerprints; and amending  
2 RCW 43.43.838.

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

4 **Sec. 1.** RCW 43.43.838 and 2007 c 17 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;

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); or

6 (f) The department of early learning for the purpose of meeting  
7 responsibilities in chapter 43.215 RCW.

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

22 (3) No employee of the state, employee of a business or  
23 organization, or the business or organization is liable for defamation,  
24 invasion of privacy, negligence, or any other claim in connection with  
25 any lawful dissemination of information under RCW 43.43.830 through  
26 43.43.840 or 43.43.760.

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

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

1 chapter 9.96A RCW.

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