
SUBSTITUTE SENATE BILL 6878

State of Washington

61st Legislature

2010 Regular Session

By Senate Ways & Means (originally sponsored by Senators Prentice and Kline)

READ FIRST TIME 03/04/10.

1 AN ACT Relating to fees for criminal background checks; amending
2 RCW 43.43.838; and providing an effective date.

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

4 **Sec. 1.** RCW 43.43.838 and 2009 c 170 s 1 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.)~~) Nonprofit organizations
16 requesting fifty or more record checks per fiscal year shall be charged
17 one dollar per check. Nonprofit organizations requesting fewer than
18 fifty record checks per fiscal year shall be charged five dollars per
19 check. Record checks requested by school districts and educational
20 service districts using only name and date of birth will be provided
21 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.

2 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2010.

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