

HOUSE BILL REPORT

SSB 6167

As Passed House:

March 1, 2012

Title: An act relating to criminal identification system information for entities providing emergency shelter, interim housing, or transitional housing.

Brief Description: Regarding dissemination of criminal identification system information.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Padden, Roach and Chase).

Brief History:

Committee Activity:

Community & Economic Development & Housing: 2/20/12 [DP].

Floor Activity:

Passed House: 3/1/12, 96-0.

Brief Summary of Substitute Bill

- Requires disclosure of conviction records for prospective clients or residents when disclosure is requested by a nonprofit business or organization that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults.

HOUSE COMMITTEE ON COMMUNITY & ECONOMIC DEVELOPMENT & HOUSING

Majority Report: Do pass. Signed by 9 members: Representatives Kenney, Chair; Finn, Vice Chair; Smith, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Ahern, Maxwell, Ryu, Santos and Walsh.

Staff: Chris Cordes (786-7103).

Background:

The law providing for the disclosure of certain conviction records makes legislative findings that, among other things, businesses and organizations providing services to children, persons

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.

with developmental disabilities, and vulnerable adults need adequate information to determine which employees or licensees to hire.

Under this law, the Washington State Patrol (State Patrol) is required to disclose conviction records of applicants for employment or volunteer positions who will have unsupervised access to children under age 16, persons with developmental disabilities, or vulnerable adults. The disclosure is made to a requesting business or organization that educates, treats, supervises, houses, or provides recreation to these children or persons.

A conviction record is criminal history record information collected by criminal justice agencies on individuals that consists of identifiable descriptions and notations of arrests, detentions, indictments, or other formal criminal charges, and any disposition arising from the charges, such as sentences and acquittals by reason of insanity. When disclosing the information, the State Patrol must state that: (1) the data does not include information about civil adjudications or disciplinary decisions; (2) the information only relates to crimes against persons and not to other current or pending charges; and (3) an arrest is not a conviction or finding of guilt.

A State Patrol rule establishes the amount of the fee to be charged for disseminating conviction records. However, the statute does not allow a fee to be charged to a nonprofit organization.

Summary of Bill:

The State Patrol must disclose conviction records of a prospective client or resident when requested by a nonprofit business or organization that provides emergency shelter or transitional housing for children, persons with developmental disabilities, or vulnerable adults. The nonprofit business or organization must be one that qualifies for tax exemption under the federal Internal Revenue Code as an organization organized and operated for various charitable, religious, or other specified purposes.

A "client" or "resident" is defined as a child, person with developmental disabilities, or vulnerable adult applying for housing assistance from a business or organization.

The language regarding legislative findings is deleted and provisions requiring disclosure of criminal records are reorganized.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill will allow shelters to continue the practice that has worked well for many years. The shelters have always been able to obtain free conviction record information

on clients and residents, using existing databases. A recent audit of the State Patrol resulted in closure of the database to the shelters because the law was interpreted to apply only to prospective employees and volunteers. Now the shelters have to pay \$10 per search for the information which will cost thousands of dollars a year. It is important that the shelters have this information to protect the residents, the employees of the shelter, and the shelter's neighbors. The information is used to screen out scary people and help the shelters comply with good neighbor policies. It also helps clients to be honest about their past when laying out their future.

(Opposed) None.

Persons Testifying: Katie Baum and Flo Beaumon, Catholic Community Services.

Persons Signed In To Testify But Not Testifying: None.